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JOURNAL

OF THE

INDIANA STATE SENATE,

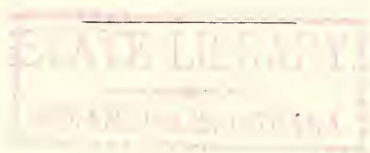
DURING THE

FORTY-SEVENTH SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING THURSDAY, JANUARY 5, 1871.



INDIANAPOLIS:

R. J. BRIGHT, STATE PRINTER.

1871.

JOURNAL

OF THE

SENATE OF INDIANA.

THURSDAY MORNING.

JANUARY 5th, 1871.

The Forty-Seventh Session of the General Assembly of the State of Indiana, begun and held at the Capital, in the City of Indianapolis, on Thursday, the 5th day of January, A. D., 1871.

The Senate was called to order by Lieutenant Governor Will Cumback, and the following Senators, holding over, answered to their names:

- From the counties of Scott and Jennings—Alanson Andrews.
- ✓ From the county of Elkhart—Jas. R. Beardsley.
- From the counties of Laporte and Starke—James Bradley.
- From the county of Marion—John Caven.
- From the counties of Washington and Harrison—Geo. W. Denbo.
- From the counties of Fayette and Union—James Elliott.
- From the counties of DeKalb and Steuben—E. W. Fosdick.
- From the county of Randolph—Isaac P. Gray.
- From the counties of Hamilton and Tipton—John Green.
- From the counties of Putnam and Hendricks—John V. Hadley.
- From the counties of Boone and Clinton—Thomas M. Hamilton.
- From the counties of Morgan and Johnson—E. Henderson.

From the counties of Henry and Hancock—Luther W. Hess.
 From the counties of Kosciusco and Whitley—A. G. Hooper.
 From the counties of Lawrence and Monroe—James Hughes.
 From the county of Montgomery—Archibald Johnson.
 From the county of Vanderburgh—Daniel Morgan.
 From the counties of Rush and Decatur—Wm. J. Robinson.
 From the county of Vigo—H. D. Scott.

The following Senators elect appeared, presented credentials and were sworn into office by Judge A. C. Downey, of the Supreme Court, of the State of Indiana, and took their seats, viz.:

From the counties of Clay and Sullivan—Joshua Alsop.
 From the county of Wayne—Othniel Beeson.
 From the county of Franklin—John Beggs.
 From the counties of Adams and Allen—James K. Bobo.
 From the counties of Brown and Jackson—Jason B. Brown.
 From the counties of Posey and Gibson—Magnes T. Carnahan.
 From the counties of Dubois and Martin—Leroy Cave.
 From the county of Marion—Elijah B. Martindale.
 From the counties of Parke and Vermillion—John Collett.
 From the counties of Greene and Owen—Wiley E. Dittimore.
 From the counties of Huntington and Wells—Hugh Dougherty.
 From the county of Jefferson—Hiram Francisco.
 From the counties of Warrick and Spencer—Benoni S. Fuller.
 From the counties of Shelby and Bartholomew—Oliver J.

Glessner.

From the counties of Ohio and Dearborn—Richard Gregg.
 From the counties of St. Joseph and Marshall—Lucius Hubbard.
 From the counties of Martin, Floyd, and Clarke—James Keigwin.
 From the counties of Cass and Fulton—Charles B. Lasselle.
 From the counties of Miami and Wabash—Robert Miller.
 From the counties of Switzerland and Ripley—Moses K. Rosebrough.

From the county of Allen—John Sarninghausen.
 From the counties of Grant, Blackford, and Jay—Asbury Steele.
 From the counties of Crawford, Orange, and Perry—John Straud.
 From the county of Tippecanoe—Henry Taylor.
 From the counties of Lake and Porter—Richard C. Wadge.
 From the counties of Knox and Daviess—James D. Williams.
 From the counties of Delaware and Madison—John W. Burson.

State of Indiana:

We the undersigned, Sheriffs of the counties of Delaware and Madison, do hereby certify that at the biennial election, held in the Senatorial District composed of said counties of Delaware and Madison, in the State of Indiana, on Tuesday, the 11th day of October, 1870, the following vote was given for State Senator, to wit: John W. Burson received thirty hundred and eighty-five (3,085) votes; William B. Kline received twenty-six hundred and eighty-one (2,681) votes; William Glen received six (6) votes; and we do further certify that the said John W. Burson was duly elected to the office of Senator in said Senatorial District, as the same appears from the certificates of the Clerks of said counties.

Given under our hands at Anderson, this 19th day of October, A. D. 1870.

ORLANDO H. SWAIN,
Sheriff Delaware County.
JAMES H. SNELL,
Sheriff Madison County.

Mr. Henderson moved to reject the credentials of Mr. Burson.

Which was declared out of order by the President.

Mr. Henderson objected to Mr. Burson, of the counties of Delaware and Madison, being sworn in until the Senate was organized.

Whereupon, the Lieutenant Governor decided the objection out of order.

Mr. Henderson presented the following appeal:

The presiding officer of the Senate having decided that John W. Burson is entitled to be sworn a Senator from the district composed of the counties of Madison and Delaware, on his certificate of election, notwithstanding objection was made by a Senator, and notice of a memorial to be presented against his right to sit, which is now ready to be presented, so soon as the body is organized, for the judgment of the Senate. The undersigned appeal from said decision.

E. HENDERSON.
GEO. W. DENBO.

The Lieutenant Governor decided the appeal out of order, inasmuch as the call has shown that there were only twenty Senators holding over, it requiring thirty-four Senators to constitute a quorum.

The Senators elect then presented their credentials, and were sworn into office by Judge A. C. Downey, of the Supreme Court.

Mr. Henderson again presented his written appeal, also a memorial from various qualified voters of the counties of Madison and Delaware, representing that a notice of contest had been filed, within the time prescribed by law, in the office of the Clerk of the Circuit Court of Delaware county, giving notice of intention to contest the election of John W. Burson, declared elected to the General Assembly of the State of Indiana, as Senator from the district composed of the counties of Madison and Delaware, at the general election held in said State on Tuesday, the 11th day of October, A. D., 1870, for the reasons set forth in said notice.

The question being, shall the decision of the Chair stand as the judgment of the Senate?

Mr. Brown demanded the previous question.

Which was seconded by the Senate.

The question being, shall the decision of the Chair stand as the judgment of the Senate?

Messrs. Brown and Bobo demanded the ayes and nays.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Burson,	Hamilton,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—23.
Fosdick,	Martindale,	

Those who voted in the negative were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Strand,
Case,	Hughes,	Williams—25.
Denbo,		

So the decision of the Chair was not sustained.

Mr. Henderson offered the following resolution:

Resolved, That the memorial of citizens of the counties of Madison and Delaware, concerning the right of John W. Burson to a seat in this body, with accompanying papers, and the credential of said John W. Burson, be referred to a select committee of five, to be appointed by the Senate, with power to send for persons and papers.

Mr. Martindale moved to lay the resolution on the table.

Mr. Hughes arose to a question of order—that the name of Mr. Burson, of Delaware, not be called.

The Chair overruled the point of order.

From which decision Messrs. Brown and Hughes appealed to the judgment of the Senate.

We having objected to the name of John W. Burson being called, and the President of the Senate having decided that John W. Burson has been properly sworn in and is entitled to vote, we appeal from the decision of the President to the judgment of the Senate.

JASON B. BROWN.

JAMES HUGHES.

Mr. Henderson demanded the previous question.

Which was seconded by the Senate.

The question being shall the decision of the Chair stand as the judgment of the Senate?

Messrs. Brown and Hughes demanded the ayes and nays.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Burson,	Hamilton,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—23.
Fosdick,	Martindale,	

Those who voted in the negative were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Straud,
Cave,	Hughes,	Williams—25.
Denbo,		

Which motion did not prevail.

The question being upon the adoption of the resolution,

Messrs. Martindale and Caven demanded the ayes and nays.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Elliott,	Lasselle,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Rosebrough,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—26.
Denbo,	Hughes,	

Those who voted in the negative were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Hadley,	Robinson,
Beeson,	Hamilton,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Fosdick,	Hubbard,	Wadge,
Gray,	Martindale,	Wood—21.

So the resolution was adopted.

Mr. Johnson offered the following:

Resolved, That the Senate adopt the rules of the last special session, except the last clause of the sixth article, for the government of the Senate, until otherwise ordered.

Which resolution was adopted.

Mr. Johnson moved to go into the election of officers of the Senate,

Which was agreed to.

Mr. Henderson put in nomination for Secretary Mr. William R. Harrison, of Morgan county.

Mr. Hadley put in nomination for Secretary Milton A. Osborn, of Putnam county.

The Secretary proceeded to call the roll.

Those who voted for Mr. Harrison were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Elliott,	Lasselle,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Rosebrough,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—26.
Denbo,	Hughes,	

Those who voted for Mr. Osborn were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Hadley,	Scott,
Beeson,	Hamilton,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Fosdick,	Hubbard,	Wood—20.
Gray,	Martindale,	

Mr. Harrison having received a majority of all the votes cast, was declared duly elected Secretary of the Senate.

The Secretary elect came forward and took the oath of office, and entered upon the discharge of his duties.

The President announced that nominations for Assistant Secretary were now in order.

Mr. Elliott put in nomination J. W. Cole, of Tippecanoe county.

Mr. Gray put in nomination T. W. O. Braffitt, of Wayne county.

Those who voted for Mr. Cole were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Elliott,	Lasselle,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Rosebrough,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams— 26.
Denbo,	Hughes,	

Those who voted for Mr. Braffitt were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Hadley,	Robinson,
Beeson,	Hamilton,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Fosdick,	Hubbard,	Wadge,
Gray,	Martindale,	Wood—21.

Mr. Cole having received a majority of all the votes cast, was declared duly elected Assistant Secretary of the Senate.

Nominations for Doorkeeper being in order.

Mr. Henderson put in nomination Mr. J. W. Cookerly, of Monroe county.

Mr. Taylor put in nomination Mr. Cole, of Tippecanoe county.

Those who voted for Mr. Cookerly were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Elliott,	Lasselle,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Rosebrough,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—26.
Denbo,	Hughes,	

Those who voted for Mr. Cole were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Hadley,	Robinson,
Beeson,	Hamilton,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Fosdick,	Hubbard,	Wadge,
Gray,	Martindale,	Wood—21.

Mr. Cookerly having received a majority of all the votes cast, was declared duly elected Doorkeeper of the Senate.

Mr. Brown moved to reconsider the vote by which the memorial in reference to the case of John W. Burson, of Delaware, was referred to committee, then moved to lay that motion on the table.

Which was agreed to.

Message from the House by Mr. Holmes, the Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House

has organized with Mr. William Mack, Speaker; Mr. Samuel W. Holmes, Clerk; F. S. Williams, Assistant Clerk; and Frank Shell, Doorkeeper; and that the House is now ready to proceed to business.

On motion by Mr. Robinson,
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Mr. Denbo offered the following resolution:

Resolved, That the Senate has organized by the election of William R. Harrison, Principal Secretary; James W. Cole, Assistant Secretary; and James Cookerly, Doorkeeper; and that the Senate is now ready to proceed with legislative business.

Which was adopted.

Mr. Brown offered the following concurrent resolution:

WHEREAS, For some months past it has been stated in the public prints that an effort would be made to have the present General Assembly of this State purchase the Wabash and Erie Canal, and in payment therefor, assume the payment of the canal bonds, the payment of which, by the Act of January 19th, 1846, and the Act of January 27th, 1847, supplementary thereto, commonly known as the "Butler Bill," is charged exclusively upon said canal, its lands, tolls, and resources.

AND WHEREAS, His Excellency, Governor Baker, did on the 5th day of November, 1868, allow the United States a credit on the allowed war claims, held by this State against the United States, of two hundred and seventy-seven thousand three hundred dollars, which credit was allowed because of the United States surrendering to His Excellency one hundred and forty-one old internal improvement bonds of the denomination of one thousand dollars each, and interest thereon, to the amount of one hundred and thirty-six

thousand three hundred dollars, which improvement bonds were issued prior to the year 1846, under the laws to provide for a general system of internal improvements in this State.

AND WHEREAS, The payment of the full amount of principal and interest of said old internal improvement bonds by His Excellency was unauthorized by any law of this State, and in direct violation of the Act of January 19th, 1846, entitled "An Act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," and the Act of January 27th, 1847, supplementary thereto, and particularly in violation of the latter proviso of section eight of said last mentioned Act, therefore,

Be it resolved by the Senate, (the House of Representatives concurring,) That the General Assembly of the State of Indiana has no power, under the Constitution of the State, to purchase the Wabash and Erie Canal, and if the General Assembly had the power, it would be impolitic, unwise, and injurious to the best interests of the State to purchase said canal.

Be it further resolved by the Senate, (the House of Representatives concurring,) That the action of his Excellency, the Governor of this State, on the 5th day of November, 1868, of the settlement of one hundred and forty-one of the old internal improvement bonds, the principal and interest thereof amounting to two hundred and seventy-seven thousand three hundred dollars, was unauthorized by any law of this State—in direct violation of the Acts of 1846 and 1847, commonly known as the "Butler Bill," and merits the disapproval of this General Assembly.

Be it further resolved by the Senate, (the House of Representatives concurring,) That the General Assembly of the State of Indiana will make no provision for the payment of the principal and interest due or to become due on the old internal improvement bonds, except as provided in the Acts of 1846 and 1847, commonly known as the "Butler Bill."

Mr. Brown moved that the resolution be made the special order for Wednesday next, at 2½ o'clock P. M.

Which was agreed to.

Mr. Andrews offered the following:

Resolved, That the Librarian be instructed to furnish each Senator with one copy of Gavin & Hord, Revised Statutes, and of Davis' Supplement, also, one copy of the House and Senate Journals of the last regular and special sessions, and one copy of the Brevier Reports of the last regular and special sessions.

Mr. Carnahan moved to amend by obliging each member to receipt for the copies of Gavin & Hord and agree to return them to the State Library.

Mr. Hughes moved to amend by saying that the Doorkeeper furnish each Senator and the Secretaries of the Senate with a set each of the Revised Statutes of the latest edition, and place the same on the desks of the Senators. Said book to be receipted for and deposited at the end of the session in the State Library.

Which was agreed to.

The question recurring on the adoption of the original resolution as amended,

It was agreed to.

Mr. Denbo offered the following resolution:

Resolved, That the President of the Senate appoint a committee of three Senators, to whom the Secretaries and Doorkeeper shall report the names and duties required of all the assistants by them appointed; and it shall be the duty of said committee to authorize the appointment of such assistants only as are needed, and to report the same to the Senate for its action; and no person shall draw pay for services as such assistants unless his employment be authorized by such committee, and approved by the Senate.

Mr. Gray moved to lay the resolution on the table.

Messrs. Denbo and Henderson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Beeson,

Gray,

Scott—3.

Those who voted in the negative were, Messrs.

Alsop,	Elliott,	Keigwin,
Andrews,	Fosdick,	Lasselle,
Armstrong,	Francisco,	Martindale,
Beardsley,	Fuller,	Miller,
Beggs,	Glessner,	Morgan,
Bobo,	Green,	Robinson,
Bradley,	Gregg,	Rosebrough,
Brown,	Hadley,	Sarninghausen,
Carnahan,	Hamilton,	Steele,
Cave,	Henderson,	Straud,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Denbo,	Hubbard,	Williams,
Dittemore,	Hughes,	Wood—44.
Dougherty,	Johnson,	

So the motion to lay on the table did not prevail.

The question recurring on the adoption of the resolution,
It was agreed to.

The President announced the following committee on the same :
Messrs. Denbo, Steele, and Fosdick.

Mr. Brown offered the following :

Resolved by the Senate, (the House of Representatives concurring therein,) That the Senate and House of Representatives meet in joint convention in the Hall of the House of Representatives, on Wednesday next, at 2½ o'clock P. M., for the purpose of electing such officers as are to be elected by this General Assembly.

Mr. Green moved to amend by specifying the officers.

Mr. Brown moved to lay the amendment on the table.

Mr. Hughes raised the point of order that the motion by Mr. Green was not in the nature of an amendment.

Which point was sustained by the President.

Mr. Martindale offered the following:

Provided, That as the funded debt of the State is now paid, so far as the bonds have been presented, and as there is no further duties to be required of an agent of State, that no election shall be had for that office; that any remaining duty in that office should be performed by the Treasurer of State without additional salary or compensation.

Mr. Brown moved to lay the amendment on the table.

Messrs. Martindale and Bobo demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Johnson,
Armstrong,	Dittemore,	Keigwin,
Beggs,	Dougherty,	Lasselle,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Sarninghausen,
Brown,	Glessner,	Straud,
Carnahan,	Henderson,	Williams—23.
Cave,	Hughes,	

Those who voted in the negative were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Gregg,	Robinson,
Beeson,	Hadley,	Rosebrough,
Caven,	Hamilton,	Scott,
Collett,	Hess,	Steele,
Elliott,	Hooper,	Taylor,
Fosdick,	Hubbard,	Wadge,
Gray,	Martindale,	Wood—24.

So the amendment was not laid on the table.

Mr. Williams of Knox moved to amend by striking out and inserting the words, "Except Agent of State."

Messrs. Martindale and Bobo demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Andrews,	Elliott,	Keigwin,
Armstrong,	Fosdick,	Lasselle,
Beardsley,	Francisco,	Miller,
Beggs,	Fuller,	Morgan,
Bobo,	Glessner,	Robinson,
Bradley,	Gregg,	Rosebrough,
Brown,	Hadley,	Sarninghausen,
Carnahan,	Henderson,	Steele,
Cave,	Hooper,	Straud,
Collett,	Hubbard,	Williams,
Denbo,	Hughes,	Wood—37.
Dittemore,		

Those who voted in the negative were, Messrs.

Beeson,	Hamilton,	Scott,
Caven,	Hess,	Taylor,
Gray,	Martindale,	Wadge—10.
Green,		

So the amendment was agreed to.

The question recurring on the resolution as amended.

Messrs. Williams and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Armstrong,	Elliott,	Keigwin,
Beardsley,	Fosdick,	Lasselle,
Beggs,	Francisco,	Morgan,
Bobo,	Fuller,	Rosebrough,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Steele,
Cave,	Henderson,	Straud,
Denbo,	Hubbard,	Williams—28.
Dittemore,	Hughes,	

Those who voted in the negative were, Messrs.

Andrews,	Hadley,	Robinson,
Beeson,	Hamilton,	Scott,
Caven,	Hess,	Taylor,
Collett,	Martindale,	Wadge,
Gray,	Miller,	Wood—17.
Green,		

So the resolution as amended was adopted.

Mr. Hughes moved to reconsider the vote just taken, in order to amend the same by providing that if said office is not abolished prior to the convention, said office shall be filled by the convention.

Mr. Martindale moved to lay the motion on the table.

Messrs. Hughes and Bobb demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Robinson,
Beardsley,	Hadley,	Rosebrough.
Beeson,	Hamilton,	Scott,
Caven,	Hess,	Steele,
Collett,	Hubbard,	Taylor,
Fosdick,	Martindale,	Wadge,
Gray,	Miller,	Wood—22.

Those who voted in the negative were, Messrs.

Alsop,	Dittemore,	Hughes,
Armstrong,	Dougherty,	Johnson,
Beggs,	Elliott,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Strand,
Cave,	Henderson,	Williams—25
Denbo,		

So the motion to lie on the table did not prevail.

The question recurring on the motion to reconsider.

It was agreed to.

James W. Cole, Esq., Assistant Secretary elect, appeared and was sworn into office by the Lieutenant Governor.

Mr. Hughes offered the following amendment:

Provided, However that if said office of Agent of State is not abolished prior to said joint convention, said office shall be filled by election by said convention.

Mr. Rosebrough offered the following amendment to the amendment:

Insert after the word "elected" the following—by law by this General Assembly, except the office of Agent of State, which is hereby postponed until four weeks from Tuesday next, at two and a half o'clock P. M.

Which amendment was accepted by Mr. Hughes.

The question recurring on the adoption of the amendment.

It was agreed to.

The question recurring on the resolution as amended.

It was agreed to.

Mr. Johnson, of Montgomery, offered the following:

Resolved, That Senators Henderson, Brown, Elliott, J. D. Williams, and Scott, be appointed by this Senate to investigate credentials, and papers of contest, and memorials, in the case of John W. Burson, and report to this Senate.

Which resolution was adopted.

Mr. Hadley offered the following:

Resolved, That a committee of two be appointed on the part of the Senate, to join a similar appointment on the part of the House, to wait upon the Governor, and inform his Excellency that the

General Assembly of Indiana is duly organized, and is ready to receive whatever message he may desire to communicate to that body.

Which resolution was adopted.

The President announced the following committee on the part of the Senate:

Messrs. Hadley and Fuller.

On motion,
The Senate adjourned.

FRIDAY AFTERNOON.

JANUARY 6, 1871, 2 O'CLOCK, P. M.

The Senate met.

The Journal of yesterday was read and approved.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to wit:

Resolved, That the Senate is hereby invited to meet the House in joint convention, in the hall of the House, this afternoon at half past two o'clock, for the purpose of receiving the biennial message of the Governor.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution, and that Messrs. Neff and Wilson have been appointed upon the part of the House as such committee:

Resolved, That a committee of two be appointed on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait upon the Governor and inform His Excellency that the General Assembly is duly organized, and is prepared to receive whatever message he may desire to send or communicate to the General Assembly.

Mr. Hadley, from the special committee, to wait upon the Governor, by consent, made the following report:

MR. PRESIDENT:

The joint committee appointed to wait upon the Governor, and

inform His Excellency of the organization of the General Assembly, beg leave to report that they have performed their duties, and that the Governor has designated half past two o'clock this afternoon as the time at which he will meet the General Assembly, for the delivery of his message.

Which report was concurred in.

Mr. Johnson offered the following resolution:

Resolved, That there be selected by the Senate a committee of seven, consisting of Senators Bradley, Glessner, Carnahan, Henderson, Scott, Martindale, and Gray, whose duty it shall be to appoint the standing committees of this Senate, and report the same to the Senate, as soon as practicable, for its action.

The question being the adoption of the resolution.

Mr. Bradley moved the previous question.

Which was seconded by the Senate.

The question recurring on the adoption of the resolution.

Messrs. Martindale and Wood demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Armstrong,	Elliott,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Strand,
Denbo,	Hughes,	Williams—25.
Dittemore,		

Those who voted in the negative were, Messrs.

Andrews,	Beeson,	Fosdick,
Beardsley,	Caven,	Gray,

Green,	Hubbard,	Steele,
Hadley,	Martindale,	Taylor,
Hamilton,	Miller,	Wadge,
Hess,	Robinson,	Wood—20.
Hooper,	Scott,	

So the resolution was adopted.

Mr. Henderson offered the following:

Resolved, That Senators Glessner, Williams, Dougherty, Hooper and Hadley, be appointed a committee to revise the rules of the Senate, and report as soon as practicable.

Which was adopted.

Mr. Brown offered the following resolution:

Resolved, That the Lieutenant Governor be authorized to select one clerk and one page, to be under his exclusive control; and the Secretary one page, to be under his exclusive control; and the Door-keeper two pages, for the Senate.

Which was adopted.

On motion by Mr. Greene,

The message from the House requesting the Senate to meet in joint convention, for the purpose of hearing the Governor's Message, was taken up, -

And the request was concurred in.

Thereupon the Senate repaired to the Hall of the House of Representatives, to receive the message of His Excellency, the Governor, the President of the Senate occupying the chair.

The Throne of Grace was addressed by Rev. Dr. Andrus.

His Excellency, the Governor, attended by the joint special committee, was now conducted to the dais of the Speaker's table, where he read his biennial message to the General Assembly, as follows:

Gentlemen of the Senate and House of Representatives:

Since the last adjournment of the General Assembly the Divine

Providence has continued to smile upon the State, and the year that has just closed has been crowned with many blessings to her people.

STATE DEBT.

It affords me great pleasure in again welcoming the Representatives of the people to these Halls of Legislation to greet you at the outset with the assurance that the financial condition of the State, so far at least as the liquidation of our foreign indebtedness is concerned, is most satisfactory. Practically all the foreign debt of the State, except \$178,000 of the War Loan Bonds issued under the legislation of 1861, has been redeemed. So early a consummation of such a result was not anticipated two years ago, even by the most sanguine. It was then believed that the collection and application of the revenue for the year 1870 would be necessary to complete the redemption of the two and one-half and five per cent. certificates of State stock outstanding, and consequently that a portion of these stocks would have to continue to bear interest until the summer or fall of 1871. The result achieved is due to the fact that, in June last, I received from the Treasury Department of the United States on account of the eleventh instalment of Indiana War Claims against the United States, a draft or warrant on the Assistant Treasurer of the United States, at New York, payable to my order in my official capacity, for the sum of four hundred and sixty-four thousand nine hundred and twenty-three dollars and twenty-four cents (\$464,923.24), which draft or warrant I immediately indorsed so as to make it payable to the Board of State Debt Sinking Fund Commissioners of the State of Indiana, upon the joint indorsement of Nathan Kimball, Treasurer of State, and Thomas C. Slaughter, Agent of State. I transmitted the warrant thus indorsed by the hands of the Treasurer of State to the Agent of State with the request that the proceeds of the draft should be applied in redeeming, first, such of the War Loan Bonds of the State as might be presented, and, secondly, to the redemption of the two and one-half and five per cent. certificates of stock still outstanding. The proceeds of the draft were applied accordingly, and hence the favorable condition of our foreign indebtedness before mentioned.

The Auditor of State, in his report, shows that at the end of the fiscal year, on the 31st day of October last, the foreign indebtedness of the State amounted to..... \$433,240 12
And the domestic indebtedness to..... \$3,734,247 82

Making a total of.....\$4,167,487 94

Of the \$433,240.12 of foreign indebtedness thus reported, the sum of \$254,240.12 consisted of five and two and one-half per cent. certificates of State stocks then unsurrendered as follows :

Five per cents.....\$249,219 99
Two and one-half per cents..... 5,020 13

Total.....\$254,240 12

On the first day of July, 1870, the Board of Commissioners of the State Debt Sinking Fund notified the holders of the five per cent. certificates of stock to present them at the agency in New York for payment, on or before the 1st day of September, 1870, and that in default of such presentment the State would cease to pay interest thereon after said last mentioned date. The interest on the two and one-half per cents had been stopped long before by the Board, because of their non-presentment for payment under a like notice. As the money is, and has been, in the Treasury of the Agency at New York for the redemption of all these five and two and one-half per cent. stocks still unsurrendered, and as the State has done all that can be reasonably required to procure their surrender, they should be treated and considered as practically paid, and to that end I recommend that the General Assembly ratify, if such ratification shall be thought necessary, the action of the Board of State Debt Sinking Fund Commissioners in stopping the interest on these five and two and one-half per cent. certificates.

Since the end of the fiscal year, and up to January 5th, 1871, the following State stocks have been redeemed, viz.:

Of the five per cent. certificates \$106,919.99 reducing the amount still unsurrendered to..... \$142,300 00

Of the two and one-half per cents \$1,288.13, reducing the amount still unsurrendered to.....	\$3,732 00
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Of the War Loan Bonds \$1,000, reducing the amount of these Bonds still outstanding to the sum of.....	\$178,000 00
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The principal of the War Loan Bonds will not be due for many years, and, therefore, the State can neither compel their surrender nor stop the interest thereon. Treating the five and two and one-half per cents as practically paid, for the reasons already assigned, it follows that the entire recognized foreign debt of the State consists of War Loan Bonds to the amount of.....

	\$178,000 00
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The domestic debt of the State has been increased since the end of the fiscal year, October 31st, 1870, by the redemption of State indebtedness with moneys belonging to the Sinking Fund from \$3,734,267 82 to.....

	\$3,792,601 15
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It follows, therefore, that the debt of the State, foreign and domestic, on the 5th day of January, 1871, may be stated thus, viz.:

FOREIGN DEBT.

War Loan Bonds	\$178,000 00
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DOMESTIC DEBT.

Non-negotiable bonds given to the School Fund....	\$3,551,316 15
Sinking Fund moneys applied to redemption of State debt for which no non-negotiable bond has yet been given to School Fund.....	177,700 00
Vincennes University Bonds.....	63,585 00
Total domestic debt.....	3,792,601 15
Entire debt, foreign and domestic, on the 5th day of January, 1871.....	3,970,601 15

STATE AGENCY AND BOARD OF STATE DEBT SINKING FUND
COMMISSIONERS.

The Act approved December 21st, 1865, commonly called the State Debt Bill, provides for the abolition of the office of Agent of State as soon as all the five and two and one-half per cent. certificates of State Stock shall be redeemed and canceled.

The probability is that some of these certificates have been destroyed, and will, therefore, never be presented; if so, the agency, under this legislation, would be perpetual.

There is no longer any necessity for the State Agency, or for the Board of State Debt Sinking Fund Commissioners, and I therefore recommend that both be immediately dispensed with. There will be no injustice or impropriety in requiring the holders of the few remaining certificates to receive their money at the Treasury.

By reason of the application of the money received from the United States to the redemption of our foreign debt, as before stated, the ten per cent. State Debt Sinking Fund tax for 1870, will not be required when collected for the purpose for which it was levied. It will amount to over \$600,000, and as the law now stands would go into the hands of the Board of State Debt Sinking Fund Commissioners. Provision should be made for constituting the proceeds of this tax a part of the General Treasury of the State, to be appropriated as the General Assembly may direct.

OLD INTERNAL IMPROVEMENT BONDS.

In the foregoing statement of the indebtedness of the State, I have not included as a part thereof one hundred and ninety-one (191) old Indiana Bonds issued for Internal Improvement purposes prior to the year 1841, and upon which no interest has been paid by the State since said last mentioned year, except as hereinafter stated. All of these 191 bonds are believed to be what are technically known as Internal Improvement Bonds—that is, bonds issued under the General Internal Improvement Act of January 27, 1836, except sixty-nine of them. These sixty-nine bonds last mentioned are Wabash and Erie Canal Bonds, held by the United States as an investment for certain Indian tribes, and the interest thereon was in November, 1868, settled up to the first.

day of July of that year, by the Government withholding and applying to that purpose so much of the audited and allowed war claims of the State as was necessary to pay such interest, as is fully explained in my regular message delivered at the opening of the last General Assembly, and to which you are respectfully referred.

A part of the 191 bonds before alluded to are dollar bonds, and a part sterling bonds, but the precise number of each kind I have been unable to ascertain. The dollar bonds are for \$1,000 each, payable in New York City, and the sterling bonds are for two hundred and twenty-five pounds sterling each, payable in London. These bonds may be safely estimated at \$191,000, exclusive of interest and exchange. John W. Garrett, Esq., of Baltimore, is represented to be the owner of 41 of these 191 bonds; ten of the 41 being sterling bonds and the residue being dollar bonds. Mr. Garrett, soon after the adjournment of the last special session of the General Assembly, as the holder of these 41 bonds, commenced an action in the Circuit Court of Carroll County, in this State, against the Board of Trustees of the Wabash and Erie Canal, for the purpose of enforcing against said canal and its revenues in the hands of said Board of Trustees, a lien on the canal which he insists was created to secure the payment of said bonds, by the provisions of the General Internal Improvement Act before mentioned.

The suit is brought not only for the benefit of the plaintiff, but for the benefit of all other persons standing in the same relation, and holding similar bonds. Soon after I was informed of the pendency of this action, I procured a transcript of the record thereof, with a view to considering what steps, if any, were necessary to be taken to protect the interests of the State in relation to matters connected with the litigation.

Upon an examination of the General Internal Improvement Act of January 27, 1836, and the case of the Trustees of the Wabash and Erie Canal *vs.* Beers, decided by the Supreme Court of the United States in 1862, and reported in 2d Black's Reports, page 448, I became satisfied that the bonds issued by authority of said act were, by the 9th section thereof, charged as a lien upon all the public works of the State, including the Wabash and Erie Canal, or at least that part of it which is situated below or south of the mouth of the Tippecanoe river. In this view of the subject, it became my duty to the State to prevent, if possible, the ren-

dition of any decree under which the Board of Trustees of the Wabash and Erie Canal could be divested of the control of the canal or its revenues until after the meeting of the General Assembly, so that provision might be made to protect the trust and the interests of the State in any and every possible contingency that might arise. Accordingly I employed counsel, and attended the court in person, accompanied by such counsel, and co-operating with Hon. D. D. Pratt, who acted as the attorney of the canal trustees, a defect of parties defendant was pleaded, in omitting to join the present owners of the other public works embraced in the lien. This course rendered it necessary that the plaintiff should continue the cause to bring the additional parties before the court, and it was continued to the February term, 1871, of said court. The White Water Valley Canal, twenty-seven miles of the south end of the Madison and Indianapolis Railroad, the New Albany and Vincennes Turnpike Road, and that part of the northern division of the Central Canal which is situated in Marion county, are all included in the lien, and all of them, except the White Water Valley Canal, having been aliened by the State before the State conveyed the Wabash and Erie Canal to the trustees under the Butler bill, it follows that they would have to be applied to the satisfaction of the lien before the Wabash and Erie Canal could be subjected to the payment of any portion of said lien.

The White Water Valley Canal was aliened before the Wabash and Erie Canal was transferred to the Trustees, and consequently said last named canal would be liable in equity to be subjected to the satisfaction of the common lien before the White Water Valley Canal could be reached. I suppose it is certain that the other works liable to be subjected to the satisfaction of the lien before the Wabash and Erie Canal could be reached would not satisfy the entire lien, and if they would that the State having sold these other works for a valuable consideration, ought to protect them from the enforcement of this lien against them. If these bonds are a lien on the Wabash and Erie Canal, as I believe them to be, the State can not afford to permit the title of the Trustees to be divested or their possession and control of the canal and its revenues to be interrupted by the judicial enforcement of said lien. To prevent this, provision should be made to pay out of the Treasury of the State such of said 191 bonds as may be adjudged to be a lien on the canal and its revenues

whenever it may become necessary to make such payment in order to prevent the canal or its revenues from being subjected to the satisfaction of the lien. Indeed, independently of this lien altogether, I do not see how the State can honorably refuse to redeem these few outstanding Internal Improvement Bonds. They were issued by the State, and the faith of the State was pledged for their redemption, and this pledge cannot be disregarded or set aside without the consent of both parties to the contract, if the State has the ability to redeem the pledge, of which there can be no doubt. If the holders of the bonds had surrendered them under the Butler Bill, as other holders surrendered theirs, and agreed to look exclusively to the revenues of the canal for one-half of their debt, this would have been a new contract, and the State could not be justly complained of for insisting on its execution. But the holders of the bonds now under consideration have continuously refused to surrender them under the adjustment proposed by the Butler Bill, and the State can not compel them to do so, nor can she refuse to pay them without repudiating her plighted faith.

If the State should stand by and permit the canal or its revenues to be wrested from the hands of the Canal Trustees, to satisfy a paramount lien created by the State itself prior to the conveyance of the canal to said Trustees, then, indeed, might the holders of the canal stocks, with some show of reason, claim that the State should redeem the many millions of dollars of canal stocks which, under the existing arrangement, are exclusively charged upon the canal, and for which the State is in no way bound. I hope that you will promptly adopt such measures as will forever prevent the possibility of the trust being disturbed or impaired by the enforcement of this lien. It is both right and expedient that the State should thus protect the trust property; and I also recommend that the State relieve the Board of Canal Trustees from all the expenses of litigation to which they have been or may be subjected in defending the trust property from the attempt made to subject it to the satisfaction of said lien.

I herewith respectfully submit the professional opinion of Messrs. Hendricks, Hord and Hendricks, the attorneys employed as aforesaid, touching the questions involved in and connected with said litigation, with my letter to them, containing the questions to which said opinion is a response.

CANAL DEBT.

In this connection I desire again to call attention to a renewal of the effort which is about to be made by the holders of the Wabash and Erie Canal stocks to induce the General Assembly to charge the payment thereof on the Treasury of the State.

In 1857, in anticipation of an attempt which it was rumored would then be made for the accomplishment of the same object, the General Assembly passed a joint resolution, approved February 19, 1857, declaring that the Legislature has no power under the Constitution to purchase the Wabash and Erie Canal, and that if the power existed, it would be unwise, impolitic and injurious to the best interests of the people of the State to purchase said canal. This resolution, although not very aptly worded, was intended to anticipate and condemn an expected effort to have the canal debt charged by legislative action on the State treasury.

Early in the month of March, 1857, and a few days before the adjournment of the General Assembly, the holders of the canal stocks transmitted a memorial through the Governor to the General Assembly, in which they attempted to show that the State by her own acts had rendered herself liable for the payment of said stocks. This memorial had been, however, before its reception, anticipated and responded to by the passage of the joint resolution before mentioned, and that response still remains on the statute book as the unrepealed expression of the Legislative will on the subject to which it relates. The holders of the canal stocks or their agents, have recently caused a new edition of this same memorial to be printed in pamphlet form, copies of which, with other publications having the same object in view, have been transmitted by mail to all the members of the present General Assembly, as I am informed, and to the executive officers of the State, including myself.

This memorial and the accompanying publications entirely concur in the object sought to be attained; but, not only disagree but contradict each other as to the basis on which the rights of the memorialists and the liabilities of the State are predicated.

The memorial in several places, either in terms or by the clearest implication, concedes that by the adjustment of 1847, one-half of the former debt of the State ceased to be a State debt,

and became a canal debt, chargeable exclusively upon the Wabash and Erie Canal, its lands and revenues; but insists that, after the making of the arrangement, and by the violation thereof, the State revived her own liability by authorizing the building of railroads which carried freight and passengers that would have been carried, in the absence of such railroads, by the canal, thereby impairing the revenues of the canal to such an extent as to render it practically worthless as a security.

The publications which accompany the memorial, deny the concessions made by the memorial, and assert that by the adjustment, the State never was released from her liability to pay that half of the former debt of the State which was charged upon the canal. I propose to notice both of these theories, and in doing so, I shall, for convenience sake, submit what I have to say in support of the two following propositions, viz.:

1st. That by the terms of the acts of January 19, 1846, and January 27, 1847, commonly called the "Butler Bill," and the nature of the negotiations which resulted in their adoption, and especially the amendments suggested by the principal bondholders, to the first act, and adopted in the second; the character of the bonds surrendered, and the certificates of canal stock issued and received in lieu thereof; and, by the cotemporaneous and subsequent construction put upon the adjustment by both parties thereto, it is clear that the canal stocks, which the State is now asked to charge upon her Treasury, were to be, and were, charged exclusively upon the Wabash and Erie Canal, its lands and revenues, and that the State was not to be, and was not, bound to pay any portion of these stocks, although she reserved the right to redeem the canal at her option, after the expiration of twenty years from the date of its transfer to the Trustees, by paying the principal sum charged upon it, to the holders of the certificates of the stock thus charged.

2d. That the State has not, since the adjustment of 1847, by the incorporation of railroad companies, and authorizing them to construct railroads within the State, or by any other act of hers, according to any recognized rule of law, or any established principle of equity jurisprudence, created a liability on her part to pay said canal stocks, or any part thereof. In other words, had the same transactions occurred between two natural persons,

over whose rights and liabilities the Courts could have exercised the fullest jurisdiction, the claims now urged against the State could not have been enforced as between these natural persons by an action at law, or a suit in equity.

Before presenting any argument in support of said first proposition, it may be well to premise that prior to the adjustment of the State debt, under the Butler Bill, Indiana was hopelessly embarrassed, her indebtedness then being largely above and beyond her ability, present or prospective, to pay. At the same time, the State owned the Wabash and Erie Canal, in an unfinished condition, with 800,000 acres of land lying within the State, which Congress had donated to the State to enable her to complete said canal. Under these circumstances it was not a matter of choice, but of absolute necessity, that, to enable the State to resume the payment of interest on her indebtedness,—which had been suspended in 1841—her Treasury must be relieved in some way from the payment of some part of the debt which was then a charge upon it.

The creditors of the State, or a large number of them, conceding the existence of this state of affairs, deputed Charles Butler, Esq., of New York, to visit the State Capitol during the session of the Legislature, and confer with the State government as to the adjustment of the debt. This brings me to a consideration of the evidence contained in the negotiations which resulted in the passage of the Butler Bill, going to show that from the very inception of these negotiations, and, indeed, before their inception, the idea was held out to the people of the State, that her creditors were willing to charge the canal and its lands and revenues with, and discharge the State from some portion of the debt.

The first allusion to such an adjustment to be found in our public records, is contained in the annual message of Governor Whitcomb, delivered to the General Assembly of the State, December 2, 1845, from which I quote the following extract, premising that the person alluded to in the extract is Mr. Butler. It reads as follows, viz.:

“It was said, in a quarter entitled to respect and confidence, at a meeting held at Terre Haute, in May last, that, if the State were to pay to her bondholders, by a State tax and otherwise, a portion of her public debt, it was thought that they would be prepared to take the profits of the canal for the balance. The

gentleman who expressed this opinion is now in attendance as the representative of our foreign bondholders, and has verbally advised me that he will shortly prepare a communication offering a liberal arrangement to be laid before the General Assembly."

From this it will be seen that Mr. Butler, months before he reached Indianapolis, had made the impression on the minds of the people, and of the Governor of the State, that the bondholders would *take the profits of the canal for a part of the debt.*

Under the date of December 10th, 1845, Mr. Butler addressed a lengthy communication, through the Governor, to the General Assembly on the subject of the State's indebtedness, and the wish of the creditors for an early adjustment. This communication was referred to a joint committee of both Houses, of which Mr. Secrest, of the House, was a member, and of which Mr. Lane, of the Senate, was chairman.

Mr. Secrest, in the report submitted by him from the joint committee to the House of Representatives, said, that "the general statements contained in Mr. Butler's above mentioned communication to the Governor, were not sufficiently definite for the committee to rest upon as a basis of any action."

In reply to a resolution of the joint committee, informing Mr. Butler of the organization of the committee and its readiness to receive any written proposition from him, in relation to an arrangement of the State debt, he communicated his first written proposition to the committee, of the date of December 19, 1845. On the 25th of December, the committee informed Mr. Butler, by resolution, of its inability to accede to the proposition so submitted by him.

On the 26th day of December, 1845, Mr. Butler made his second proposition, which was accepted, and incorporated into the Act of January 19th, 1846.

Although Mr. Butler did, in that proposition, use language upon which the holders of the Canal stocks now place so much stress, to the effect that he did not feel himself at liberty to make any proposals or consent to any arrangement which should embrace less than the eventual payment of the just claims of the bondholders for the entire amount of the principal and interest of the bonds in their possession; yet it is manifest that Mr. Butler, in using this language, considered that a payment of a part of the debt by taxation, and a charging of the residue exclusively on the lands and revenues of the Canal, would embrace the

eventual payment of the whole, and that he was willing to take the risk of the Canal's paying its part of the debt. Conclusive evidence of this is found in the second paragraph of the proposition. The first paragraph of the proposition having provided for the payment of the interest of one-half of the debt from the revenues of the State, the second reads as follows, to wit.:

"2. The remaining two and a half per cent. on the principal of the bonds, computing from first January, 1841, shall be chargeable against and paid out of the revenues of the Canal, *and shall not be otherwise chargeable against the State.*"

Mr. Butler adds, in a subsequent sentence: "As such reliance is proposed to be placed on the Wabash and Erie Canal by the bondholders for the payment of one-half of the back and accruing interest, it is proper to say that its completion is deemed essential to the plan of liquidation contemplated," etc.

I now call your attention to the interpretation placed on the adjustment by Mr. Secrist, in the report which he submitted, and in which he urged the adoption of the bill which subsequently passed. The following language is used in the report, viz.:

"This proposition is substantially to *release the general revenues of the State and her public faith* from one-half of the entire funded debt, and make the same a charge against the Erie, Wabash and Ohio Canal in Indiana. In effect, it is the same as taking one-half of the public debt from the shoulders of our tax-payers and placing it upon this canal—a work from which the State has not as yet realized any income whatever, though it is to be hoped that, under judicious management, it may be made to yield a handsome revenue. In addition to this, the bondholders are willing to take the canal and its lands (not absolutely, but in trust,) and finish the work through to the Ohio river, advancing one-third or more of the cost of completion in cash, and using the lands for the balance, so far as practicable, and taking their recourse for this advance, not against the State, but only against the lands and revenues of the canal, thus advancing money to the canal on the security of the Congress grants of lands without imposing any further debt upon the State, but, on the contrary, in effect leaving our debt less by one-half than it now is."

The provisions of the bill accompanying this report show that Mr. Secrist did not misunderstand or misinterpret it. The bill shows, in divers sections, by affirmative as well as by negative

expressions, that the canal was charged exclusively with the payment of one-half the interest of the entire debt, and that the State and her plighted faith were discharged from the same.

By the 32d section of the act of January 19th, 1846, the State reserved the right to also charge exclusively upon the revenues of the canal one-half of the principal of the entire debt. This was to be done by calling in and requiring to be surrendered the stocks which might be issued under the first section of the act, and giving to the holders in lieu of them new certificates for one-half of the principal thereof, to bear interest at and after the rate of five per cent. per annum, the principal and interest to be charged on the revenues of the State; and, also, by giving to each such holder another certificate for the other half of the principal of such stock, to bear a like interest of five per cent., *"and to be paid and redeemed and only paid and redeemed out of said canal lands, and the tolls and revenues of said canal; and from and after the time that the State shall call in said stock issued under the first section of this act, and shall issue new certificates, as aforesaid, the State, its faith and revenues shall be only pledged and responsible for the payment of one-half of the principal and interest at five per centum per annum thereon; and for the other half of said principal and interest the holders of said certificates shall look solely and exclusively to said canal lands and the tolls and revenues of said canal."*

The said act of January 19, 1846, was submitted to a committee of European bondholders by Mr. Butler, and that committee at a meeting held in London, May 30th, 1846, formally resolved "to concur in the principles laid down in the act of the Legislature, passed at Indianapolis, on the 19th of January, for the adjustment of the debt of that State (Indiana) by the payment of one moiety of the principal and interest by taxation, and the other moiety by the property and tolls of the canal from the State line adjoining Ohio to Evansville on the Ohio river; *such property to be assigned to three trustees, and the State to be freed from responsibility on that portion of the debt and interest so to be secured."*

This resolution was communicated to Governor Whitcomb, who, in his Message delivered December 2d, 1846, submitted it to the Legislature, and construed it to mean that the State was to be freed from all responsibility on that portion of the debt and interest, which was to be charged on the canal.

The supplemental act of January 26, 1847, is chiefly the work of the London Committee, and the very first section in the exercise of the option reserved to the State by the thirty-second section of the original act, declares that one-half the principal of the debt shall be charged upon the treasury of the State, and the other half upon the canal lands and tolls and revenues of the canal, as provided in the thirty-second section of the original act, and that upon the surrender of the State bonds then outstanding, two certificates shall issue to each holder, each for one-half of the principal, one chargeable on the treasury of the State, and the other on the canal, its lands and revenues.

The following extract from the message of Governor Whitcomb, delivered to the General Assembly on the 11th day of January, 1848, not only shows the same construction of the arrangement, but in a few brief sentences, explains the difference between the original and supplemental bill. The extract is in these words, viz :

“But while the original bill gave the State the option of afterwards throwing one-half of the *principal* also upon the canal for payment, by the supplementary bill (and consequently by the law as it now stands), that object is at once effected by one-half of the surrendered debt, both principal and interest, resting exclusively upon the canal for payment, the State being released from all further responsibility in relation to it. The great and leading principle, therefore, of the first bill, namely, the satisfying of one-half of the surrendered debt from the canal remains unchanged, nor does the supplementary bill involve the State any further in debt. The main difference between the bills consists in the latter giving to the bondholders, who should finish the canal, a priority in the payment of their claims and expenses of its construction out of the tolls and profits, over those who would not join in its construction.”

The character of the bonds surrendered and the stocks received in lieu thereof, prove the same theory. The bonds surrendered pledged the faith of the State for their payment, and mortgaged the public works to secure the performance of that pledge. The canal stocks received in lieu of one-half of the principal of these bonds so surrendered, contain no promise on the part of the State to pay the amount named in the certificates of stock, no pledge of the faith of the State for that purpose; no lien on any

of the public works of the State except the canal, but the whole obligation is expressed in these words: "That the Wabash and Erie Canal, and all tolls, lands and effects appertaining thereto, from the State line to Evansville, are irrevocably pledged in virtue of said acts, etc., to A. B., etc., and his assigns, for the sum of \$1,000, etc."

It is a well-established principle of law, independently of statutory enactments, that where a mortgage contains no covenant or promise to pay the mortgage money, and there is no such covenant or promise in any other paper, the mortgagor, although he *may redeem* the mortgaged premises, is not personally bound, and the mortgagee must look exclusively to the mortgaged property for satisfaction.

The last reference I shall make in proof of the first proposition is to an opinion of the Supreme Court of the United States in the case mentioned in a former part of this communication, viz.: The trustees of the Wabash and Erie Canal against Beers. 2d Blackf., 451.

In that case the Court, in incidentally construing this very Butler bill, speaking of the surrender under it by one of the parties to the suit, of certain bonds of the State, uses this language: "The holders of the latter bonds believed that with the \$200,000 lien prior to theirs, they *would improve their condition by taking the State for one-half the debt, and the canal stock certificates for the other.*"

The second proposition is, that the State has not, since the adjustment of 1847, by the incorporation of railroad companies, or by any other act of hers, according to any recognized rule of law, or any established principle of equity jurisprudence, created a liability on her part to pay any portion of the debt charged upon the canal. It is a principle of public law which this State has no disposition to gainsay or evade, that a sovereignty which can not be sued is bound in the performance of her contracts to do, and omit everything which individual persons, under similar circumstances, could be compelled by action at law or suit in equity to do, or to refrain from doing. We insist, however, that the good faith and honor of the State do not demand anything beyond the requirements of this rule; and that Indiana, in the matter complained of, has done nothing which a natural person could have been compelled to omit, and has omitted nothing

which such a person could have been compelled by judicial proceedings, under similar circumstances, to do.

The memorial of the holders of the canal stocks, bases their claim exclusively upon the assumption that Indiana has wrongfully and in violation of her covenants contained in the Butler Bill, authorized the construction of a system of railroads, which, coming in competition with the Wabash and Erie Canal, has so impaired its revenues as to destroy its value as a security. That railroads have been built in this State by incorporated companies, organized or assuming to act under State laws passed since the transfer of the canal to the Trustees, can not be denied, and it must be admitted that one of these roads does come in direct competition with the canal, and has largely contributed to the reduction of its revenues. With this admission, however, we insist that there is no stipulation in the Butler Bill or elsewhere, restraining the State from developing her resources by the construction of railroads either by direct State action, or by authorizing their construction by incorporated companies. Covenants or stipulations must be construed in reference to the main scope and body of the instrument in which they are contained, and can not, by wresting them from the context, be made to apply to matters not contemplated by the parties, and which would not have been agreed to if they had been suggested prior to the closing of the compact. The memorialists, to make out a breach of covenant on the part of the State, rely upon the stipulations contained in the fourteenth section of the Supplemental Act of January 27, 1847, but omit the recitals which give significance to the language employed; and to sustain their construction they enlarge the scope of the stipulations therein contained, in a manner that no lawyer would pretend to do in construing a contract between individuals. Covenants in restraint of any lawful business or trade are never implied, and when clearly expressed are considered to be against public policy, and therefore strictly construed against him who seeks to enforce the restraint. Here is an arrangement made between the State and a portion of her creditors, not before the invention of railroads, but after their practical introduction into this State, whereby, with the assent of the creditors, one-half of the debt of the State is charged on the revenues and Treasury of the State, and the other half exclusively upon the Wabash and Erie Canal, its

lands and revenues, without a word being said in the legislation, or in the negotiations which led to it, about the State being restrained in her right to make railroads, or to authorize others to build them within her limits; and yet it is insisted that the covenants made by the State, in relation to the things she did agree to do, or omit, are to be extended by construction or implication, so as to embrace a covenant to abdicate her sovereignty and refrain, forever, or so long as the arrangement should continue, from building, or permitting to be built, any of these great instruments of modern civilization and progress, which might compete with said canal, or impair its revenues.

Suppose Mr. Butler, in his negotiations with the Legislature, had made it a part of one of his propositions that the State should never build, or authorize the building of a railroad within her limits that should, to any extent, great or small, come in competition with the Wabash and Erie Canal, is it not certain that the proposition, so long as it contained such a feature, would have been promptly rejected. The construction contended for is monstrous. Indiana never expressly or by implication, stipulated to stand in the way of her own development, or of the development of the nation, by prohibiting railroads from being built within her borders that might come in competition with the Wabash and Erie Canal.

If, however, for the sake of the argument, we admit the construction contended for by the memorialists, still there is another complete and perfect answer to the claim made by them. It is notorious that since the transfer of the Wabash and Erie Canal to the Trustees, the State has not made a single mile of railroad. It is equally true that no line of railroad has been constructed within the State by any organized company which can, in any just or proper sense, be said to come in competition with said canal, except the Wabash Valley Road. This road does run parallel with and near the canal from Fort Wayne, in Allen County, to Attica, in Fountain County, a distance of about one hundred and thirty miles. If it shall be said that the Evansville and Crawfordsville Railroad, extending from Evansville to Terre Haute, is also a competitor of the canal, the reply is, that the canal from Terre Haute to Evansville was a failure from the beginning, and never was in a condition to compete with a good wagon road between the two points above named. This reduces

the grounds of complaint to the failure of the State to prevent the construction of the Wabash Valley Railroad.

The Constitution of the State was amended in 1851 so as to prohibit the incorporation of railroad or other companies by local or special legislation, but allowing their organization under general laws to be passed for that purpose. By reason of this, the General Assembly, in 1852, passed a general railroad law under which railroad companies might be organized. If there ever was any legislative authority for the building of the Wabash Valley Railroad, it was derived from this general law, for it is certain that no special charter was ever given for that purpose. It either was or it was not a part of the contract between the State and the holders of the canal stocks that the State should neither build or authorize the building of any railroad that might compete with the canal. If it was not a part of the contract that the State should be thus restrained, then the claim made by this memorial falls to the ground. If the contract did restrain the State as contended for, then the question arises whether the general railroad law of 1852 authorized the building of the Wabash Valley Railroad. It must be admitted that said law is general in its terms, and contains no express restriction on the subject of lines of railroads that might compete with the canal, and yet I insist that the general railroad law could not, and did not, authorize the building of any railroad, the construction of which was interdicted by a valid subsisting contract made by the State. If the State by the arrangement of 1847, contracted that no such improvement as the Valley Railroad should be made, a subsequent authorization by the State of the making of the road would be an attempt to license by State law the impairing of the obligation of a contract, a thing which every State is, by the express terms of the Constitution of the United States, inhibited from doing.

It is not to be *presumed* that the State intended to pass an unconstitutional act, and if the general railroad law is susceptible of two constructions, the one constitutional and the other unconstitutional, the former interpretation must be adopted and the latter rejected. Upon the theory, then, that the State was by her contract restrained from authorizing a railroad to be built that would compete with the Wabash and Erie Canal, and thereby diminish its revenues, the general railroad law of 1852,

although unrestricted in its terms, must be construed to apply only to such lines of road as it was competent for the State to authorize without impairing the obligation of any contract. Upon the assumption that the building of competing roads was prohibited by the contract, and upon the construction of the general railroad law of 1852, just suggested, it follows that the construction of the Wabash Valley Railroad was unauthorized by that act, and was, therefore, an illegal act, which the Trustees of the canal—two of whom are selected by the holders of the canal stocks—or the stockholders themselves could have restrained by injunction. The railroad, of the construction of which complaint is made, was built, not by the State, but by persons acting, or assuming to act, as a corporation under a pretended authority from the State, and these persons were amenable to civil process, and the Federal and State Courts were open to the memorialists, and could have afforded them a complete remedy, by injunction, for what they now say was an irreparable injury, done by authority of the State.

Suppose the Wabash Valley Railroad Company, instead of constructing their road on the line which it now occupies, had located and commenced constructing it on the towing path, or in the bed of the Wabash and Erie Canal, could the Canal Trustees and the holders of the canal stocks have stood by and witnessed such an appropriation of the canal, under the pretense that it was authorized by the State, and then make this tort of the railroad company the basis of a claim against the State?

If the holders of the canal stocks had vested rights in the canal, as they insist in their memorial, then the State did not, and could not, authorize their destruction; and, with the Courts open to them, it is marvelous that they stood by and witnessed this destruction without an effort to prevent it. Such conduct is only consistent with the theory that they themselves believed that the acts now complained of were not a violation of the State's covenants, but what the lawyers term *damnum absque injuria*; that is, a loss without an injury—a loss for which neither the State nor any other person is responsible.

My apology for the length of this presentation is, that the press of New York and London have been used to give currency to the imputation that Indiana, in refusing to charge these canal stocks upon her treasury, is guilty of repudiation, and it seemed proper that the public should be informed, through some official

chaunel, of the views entertained by our people, together with the grounds upon which they are based.

Before dismissing the subject, I earnestly recommend the passage of a joint resolution proposing an amendment to the Constitution, so as to declare that no act of legislation shall ever take effect, or become a law of this State, whereby said canal stocks, or any part thereof, shall be recognized as a debt of the State, or charged upon the Treasury thereof, by way of redeeming said canal or otherwise, until such act of legislation shall have been submitted to, and ratified by, the qualified electors of this State, at a special election to be held for that purpose, in pursuance of law, a majority of the votes cast at such election to be necessary to effect the ratification.

SINKING FUND.

The report of the Auditor of State shows the condition of the Sinking Fund to be as follows:

Money on hand.....	\$550,916 80
Amount secured to the fund by notes and mortgages.....	206,941 25
Due from State for stocks redeemed with the fund, for which no bond has been issued to the School Fund by the State.....	135,366 67
Due from the State for advance to the Southern Prison, to repair the damages done by fire.....	12,000 00
Due from the State, to complete Supreme Court Room, etc.....	6,802 30
Total.....	<hr/> \$912,027 64

From which deduct amount in the fund belonging to owners of mortgaged property sold, the sales being in excess of amounts due.....	\$4,114 10
Net balance of moneys and effects in the hands of the Auditor.....	\$907,912 04

I recommend that the amount due to the fund for State stocks redeemed, be secured by a non-negotiable bond from the State to the School Fund; that the other small sums due from the

State, be immediately refunded to the Sinking Fund, by an appropriation for that purpose; and that the moneys on hand, and the uncollected securities, as fast as realized, be invested in the registered interest bearing bonds of the United States, so that the fund may be made productive, and the income thereof distributed for common school purposes.

The wisdom of making the Auditor, instead of the Treasurer of the State, the treasurer of this particular fund, is not very apparent, and I hope the fund may be transferred to the Treasury, and its prompt investment secured by proper enactments.

WAR CLAIMS AGAINST THE GOVERNMENT.

When the condition of these claims was reported two years ago, the tenth installment thereof, amounting to \$125,721.80, had not been passed upon by the Treasury Department. On the 8th day of December, 1869, I received a draft or warrant from the Treasurer of the United States, payable to my order in my official capacity, for \$41,412.15, allowed on this installment, which I, on the same day, paid into the State Treasury, and received a quietus for that amount. The items constituting the residue of the installment were either disallowed or suspended for further explanation or proof.

In the latter part of April, 1870, I succeeded in having the papers and proofs prepared necessary for the presentation of an additional claim, designated as the Twelfth Installment, for moneys advanced for the purchase of horses in 1861 for the military service of the United States, and amounting as presented to \$35,282.12.

As the papers and forms of proof of this installment had been prepared by Gen. W. H. H. Terrell, during his service as Adjutant General of this State, and as he understood and could explain the items constituting the claim better than any other person, I sent all the papers to him at Washington, and requested him to present and prosecute the claim in the Treasury Department, assuring him that the State would pay him a reasonable compensation for his services. The claim was accordingly presented by Gen. Terrell, and on the 21st day of September, 1870, I received a draft from the Treasury of the United States for \$23,255, payable to my order in my official capacity, and immedi-

ately paid the same into the State Treasury, and received a quietus for the amount.

The items constituting the residue of this installment were either disallowed, or suspended for further explanation and proof.

The Eleventh Installment of our war claims was for moneys expended by the State in equipping and subsisting State troops belonging to the Indiana Legion, while in actual service, upon the call of the Governor, during the rebellion. Under the Act of Congress of March 29, 1867, Hon. John Broadhead, Hon. R. Flint, and Col. W. R. Kinney, were appointed Commissioners to ascertain the amount expended by this State in enrolling, equipping, subsisting, transporting and paying such State forces as were called into service in this State after the first day of January, 1862, to act in concert with the United States forces in suppressing the rebellion. Said Commissioners met at Indianapolis in March, 1869, and did not complete their labors till the latter part of September or the beginning of October of the same year, at which time they made a report awarding to the State \$481,178.24, for moneys expended for the purposes contemplated by said Act of Congress. Of the amount thus awarded, the Treasury Department allowed the sum of \$464,923.24, and in June, 1870, I received from the Treasurer of the United States a draft for that amount, which was immediately applied, through the Board of State Debt Sinking Fund Commissioners, to the redemption of the outstanding foreign indebtedness of the State, as stated in a former part of this communication.

The sums received from the Government since the report contained in the message delivered at the opening of the General Assembly two years ago, amount in the aggregate to \$529,690.39, as follows, viz.:

On Tenth Installment	\$ 41,412 15
On Eleventh Installment.....	464,923 24
On Twelfth Installment.....	23,255 00
<hr/>	
Total.....	\$529,690 39

The Eighth Installment, amounting as presented, to \$606,979,-41, can not be heard or adjusted by the Treasury Department until there is additional legislation authorizing it. There is a

will pending in the Senate of the United States which, if it shall become the law, will provide for the auditing of the claim. This claim is chiefly for interest paid by the State on her War Loan Bonds, issued for money borrowed to aid in the suppression of the rebellion. I feel assured that in the suspended and disallowed items of the different installments, there are very considerable sums that are justly due to the State, the allowance of which might be obtained by furnishing such additional proofs and explanations as might be procured or made. It is, however, so difficult to procure an efficient prosecution of such claims without promising a large compensation for the service, that I prefer that the General Assembly should act in the matter, rather than to assume the responsibility myself.

TAXATION OF RAILROADS.

At the last Special Session, I called attention in a message, which will be found at page 122 of the Senate Journal, and at page 174 of the House Journal, to some very glaring defects in the present law for the assessment and taxation of railroads, through which great injustice is done to the State and to the owners of other kinds of property subject to taxation.

I now respectfully call attention to that communication, and renew the recommendations made therein.

TAXATION OF BANK STOCK.

I repeat the recommendation made at the opening of the last General Assembly, that provision be made for taxing the shares of stock in the National and other banks, for municipal purposes, as other property is taxable.

The opinions then expressed as to the power and duty of thus legislating remain unchanged.

ASSESSMENT, EQUALIZATION AND COLLECTION OF TAXES.

The entire taxable property of the State for the year 1868, as it appeared on the duplicates, was \$591,979,964.00. Under the operation of the new appraisement of real estate made in 1869, if we treat the proceedings of the State Board of Equalization as binding, the duplicates of 1869 ought to have shown the aggregate amount of the taxable property of the State to be

\$671,220,945.00, or an increase of \$79,240,981.00. If all this increase had been carried on the duplicates, it is safe to say, that even then the figures would not represent one-half of the real value of all the property that is taxable under our laws. The law requires property to be valued at its true cash value. This language as applied to the appraisement of real estate for taxation is construed to mean the sum that the property would command in gold at a forced sale, and by this construction the appraisement is reduced to less than one-half and in many instances to less than one-third of the amount that the owner would be willing to take for the property or than a prudent man desiring to purchase would give for it. There seems also in many cases to be a rivalry, not only between individuals, but between the officers of different counties to depreciate the value of their taxables on the duplicates. County officials take it for granted that the real estate in other counties will be appraised greatly below its true value; and, upon this assumption, justify themselves in making a grossly insufficient appraisement as an act of necessary self-defense to prevent an excessive contribution to the common burthens. Nor does the evil stop here: The man whose taxables consists chiefly of personal property, justifies himself in returning to the assessor one-third part of the value thereof, because he sees that his neighbor's acres and town lots are valued by a similar standard. The practical effect of this is to depreciate the wealth and importance of Indiana in comparison with other States, and the tendency is to keep immigration and capital from the State. Worse than all this, however, is the fact that such practices are inimical to public and private virtue, and give official sanction to fraud and falsehood.

I recommend that in imitation of the assessment laws of Michigan, an amendment shall be passed declaring that the words "cash value," as applied to the appraisement of property for taxation, shall mean the usual selling price at the place where the property is at the time of assessment, not a forced sale, but at private sale. I trust that you will be able to devise some remedy to prevent the demoralizing practice of counties and individuals competing with each other in the valuation of their taxables at rates grossly disproportioned to their real value.

The action of the State Board in equalizing the appraisement of real estate has been disregarded in many if not all of the counties in which a per centum was directed to be added to the

appraisement as left by the District Boards; but, when a deduction was directed to be made, the County Auditors, as a general rule, have not been slow to execute the order in making out the duplicates. By this failure to comply with the action of the State Board, and by unauthorized deductions not directed by that Board, the total value of all the taxable property of the State, as it stands on the duplicates, is reduced more than fifteen millions of dollars below what it would have been if the action of the State Board had been carried out, and no such unauthorized deductions had been made.

At the last special session, the attention of some of the members of each House was called to the fact that, by the change in the boundaries of the Congressional Districts, the law as to the places of the meetings of the District Boards of Equalization in seven of the Congressional Districts had become impossible of execution, as the statute required each District Board to meet within the district, and at a place designated; and this designated place had, by the change in the apportionment, been placed without the district to which it formerly belonged.

A bill passed the Senate to remedy the difficulty, but was not acted upon in the House. The Auditor of State, by advice of the Attorney General, designated the places of meeting of the District Boards in the seven districts in which the law had become impossible of execution. The Auditor of Marion County, in making the duplicate of 1869, having failed to recognize the action of the State Board in directing an increased per centum to be added to the appraised value of the real estate of that county, the Attorney General, on the relation of the Auditor of State, commenced a proceeding in the Marion Civil Circuit Court to compel the Auditor of Marion County to comply with the order of the State Board of Equalization.

The question was presented on its merits, two points being made in resisting the issuing of a mandate, viz.:

1st. That the District Boards met at unauthorized places, and therefore were illegal bodies and could not appoint delegates to the State Board, and that the State Board having been composed of delegates a majority of whom were thus appointed, it also was an illegal body, and its acts were void.

2d. That the session of the State Board was, by the statute, limited to ten days; that its meetings were continued beyond the time limited, and that the order of equalization was made

on the twelfth day after that on which the Board met and organized.

The Circuit Court refused the mandate, and, although the case was prepared for the Supreme Court, by a reservation of the proper exceptions, no appeal has been taken—Attorney General Williamson having, as I am informed, come to the conclusion that the judgment of the Court below, in refusing the mandate, could not be reversed.

After examining the question with some care, my own opinion is, that the objections made to the District Boards—though purely technical—are yet good technical objections; and that the remedy for the evil is not by appeal, but by curative legislation. The necessity for such legislation is clear; for, if the State Board was an illegal body, so also were the District Boards; and yet, the action of the District Boards has been carried out by some of the County Auditors who repudiate that of the State Board.

I have caused a tabular statement to be carefully compiled from the report of the Auditor of State for the year 1869, arranged by counties in alphabetical order, showing in separate columns what the aggregate value of the real estate and improvements would have been in each county, if the action of the State Board had been carried forward to the duplicates; what it is as actually entered on the duplicates of 1869, with the increase or decrease occasioned by the failure to follow the orders of the Board.

By this statement it will be seen that, in some counties, after deducting the per centum authorized by the State Board, large additional deductions have also been made.

I will cheerfully furnish copies of said tabular statement to the committees to which the subject may be given in charge, it being too extended to make it a part of this communication.

In view of what has been said, I respectfully recommend that the meetings, organization, and proceedings of the District Boards be legalized; that the proceedings of the State Board be thoroughly revised by a joint committee, representing all parts of the State; and, so far as these proceedings may be found to be just and equitable, let them be affirmed; and, so far as they are found to be otherwise, let the appraisements be so altered as to make them conform to a just standard; and when the equalization is completed by the committee, and approved by both Houses, let it be made effectual by the proper enactments.

I further recommend that provision be made that future appraisements of real estate for taxation, shall not become effectual until they are submitted to, and revised and affirmed by the General Assembly, at the first regular meeting thereof, after the making of such appraisements; and providing, also, that if any County Auditor shall fail to conform to such appraisement after it has thus been affirmed, he may be proceeded against by action on his bond, or by a proceeding for a mandate in the Courts of Marion county. Whenever the interests of the State are injuriously effected by the official negligence, or official misconduct of a county officer, such county officer should, in my judgment, be liable to an action in some Court at the Capitol of the State. The existence of such liability would prevent the delinquencies that are now so common.

Something should also be done to prevent the return of such large delinquent lists. Our delinquent list compares very unfavorably with those of other States; partly, because men are returned as delinquent, from whom the taxes could be made, if the proper time was allowed, and the proper effort made to collect; and, partly, because delinquencies are carried on the duplicates long after the possibility of their collection has ceased.

Provision of some kind should be made for purging the duplicates of this worse than useless matter, the placing of which on the tax rolls, adds considerably to the county expenses, and gives a more unfavorable opinion of the willingness and ability of our people to pay their taxes, than the truth would justify.

EDUCATION.

The report of the Superintendent of Public Instruction affords gratifying evidence of the progress of popular education throughout the State. The common schools are continually growing in public favor, and were never so efficient as they now are in training our children for the high duties of American citizenship. I am sure they will continue to deserve and receive the fostering care of the General Assembly.

As the State school tax, as well as the income of the Common School Fund, is distributed among the several counties, according to the number of children in each, it is highly important that the enumeration upon which this distribution is based, should be free from the least suspicion of unfairness or inaccu-

racy. To this end the law should be so amended as to require not only the names of parents, guardians, and heads of families, to appear in the list, as is now the case, but the names of the children belonging to each family, (which is not now required,) should also be given; and after the County Examiner has reported the enumeration to the Superintendent of Public Instruction, the original enumeration papers should be required to be filed in the office of the County Auditor, to be preserved, and to be open to public inspection. Authority should also be given to the Superintendent of Public Instruction to cause the enumerations to be revised, and, if found to be inaccurate, corrected before making the distribution; and, also, to equalize, in making subsequent distributions, within a reasonable time, to be prescribed by statute, any inequitable distributions which may have been made on an incorrect enumeration. Severe penalties should also be provided for official malfeasance in making the enumerations.

My attention has been called to the fact that some Township Trustees, instead of keeping the school moneys in their hands separate from the township funds, confuse the moneys and accounts, whereby school funds are applied to roads and other township purposes, to the temporary injury or permanent loss of the schools.

Such practices should be prohibited under proper penalties by plain statutory enactments, to be published as a part of the school law, and placed in the hands of every Township Trustee.

STATE UNIVERSITY.

The State University has greatly enlarged the sphere of its usefulness in consequence of the liberality of the last General Assembly, as well as the one preceding it. I commend the institution to a continuance of the favorable consideration of the General Assembly.

AGRICULTURAL COLLEGE.

In pursuance of the Act of May 6th, 1869, the College contemplated by the Act of Congress of July 2d, 1862, was in 1869 located in Tippecanoe county, on a tract of land containing one hundred acres, donated for that purpose, and situated on the

west side of the Wabash river, about one mile and a half from the city of Lafayette. Mr. Purdue gave his bond to the State for the payment of the donation of \$150,000 offered by him, the same being payable in annual installments, in pursuance of his original proposition. The Board of Trustees of the institution, in accordance with the provision of said Act of May 6th, 1869, have assumed as their corporate style the name of "The Trustees of Purdue University." For the condition of the funds of the institution and other information pertaining thereto, I respectfully refer you to the report of the Secretary and Treasurer of the institution, herewith submitted.

By the Act of May 5th, 1865, the Governor is made a member and President of the Board of Trustees. The land scrip having been disposed of, and the money safely invested and the College being located, no sufficient reason, in my judgment, now exists for the continuance of the Governor as a member of the Board. I therefore recommend the passage of an amendment providing for the appointment of an additional trustee, and relieving the Governor from serving as a member of the Board.

NORMAL SCHOOL.

I have received no report from the officers of the State Normal School, and therefore have no definite information concerning its progress, condition or wants. I believe it is doing a good work, and is a necessary and important part of our common school system. To extend its benefits to those who ought to enjoy them, it would seem to be necessary that some plan should be devised whereby the cost of living to those who attend its sessions from other parts of the State should be diminished.

BENEVOLENT INSTITUTIONS.

INSTITUTE FOR THE BLIND.

The Indiana Institute for the Education of the Blind, is, in the language of the report of its trustees, "enjoying a high degree of prosperity, and doing its work well and to the credit of the State." To enable the Institution, however, to do all the work which ought to be done, it must be enlarged. There was a pressing necessity for such enlargement two years ago, but the

officers of the Institution, in consequence of the appropriations required by the Hospital for the Insane and the Institution for the Deaf and Dumb, deferred urging an appropriation for that purpose until now. For the extension of the Institute building, and for other improvements mentioned in the report of the Superintendent, it is estimated that the sum of \$65,000 will be required. I earnestly recommend that the sum above named may be appropriated for the extension and improvements required.

HOSPITAL FOR THE INSANE.

I cordially commend to your attentive consideration, the able and instructive report of the Superintendent of the Hospital for the Insane. The capacity of the Institution has been largely increased, so that there is now room for 520 inmates. It is susceptible of a comparatively small additional increase of capacity by enlarging the south wing. Apart from the fact it may be safely estimated that not more than one-third of the insane of the State who ought to receive the care and treatment of such an institution are now provided for, it would seem that the Institution should be thus enlarged to equalize its capacity for the reception of patients of both sexes, the number of applicants for admission of each being about equal. If the south wing shall be thus enlarged, the capacity of the Hospital will then have reached a limit beyond which it would not be wise to extend it, but instead thereof, provision should be made for the erection of another Institution at some other point in the State.

It may be a question whether this should be attempted before making some provision for the care of the idiotic, and for the education of idiotic children. My impression, however, is that the sufferings of the insane still unprovided for are more severe, and that their condition more urgently demands speedy relief than the other unfortunate class to whom allusion is above made. I invite your consideration to the necessities of both these classes of unfortunates, in the hope that you will provide such relief, at the earliest practical period, as the claims of humanity demand and the ability of the State will justify.

It will be perceived by the report of the Trustees and Superintendent of the Hospital that the appropriations made at the last session of the General Assembly are insufficient to defray

the current expenses of the Institution to the 31st day of March, 1871, which is the end of the fiscal year of the Hospital. I recommend that this deficit be immediately supplied by an appropriation so that the officers of the Institution may not labor under the disadvantage of having to make their purchases on credit until the passage of the General Appropriation Bill, at or near the close of the session.

I also ask that the amount necessary to pay for the water works furnished for the Institution, and now in successful operation, may be appropriated without delay.

I invite your favorable consideration to what is said by the Trustees and Superintendent in their reports as to the necessity of more liberal estimates for subsistence in making appropriations for the current expenses of the Institution.

DEAF AND DUMB.

The Institution for the education of the deaf and dumb not only successfully continues to perform the beneficent work for which it was established, but, through the liberality of the last General Assembly in providing for its enlargement, the sphere of its usefulness has been greatly increased and extended. The contemplated extension of the building having been completed, the capacity of the Institution is now believed to be sufficient for the accommodation of those entitled to its benefits for years to come. After the new building was completed and ready for being fitted up and furnished, the sum of \$10,924 was drawn from the Treasury of the State on the application of the Trustees and Superintendent, and applied to fitting and furnishing the enlargement under an express authority given for that purpose in the organic law of the Institution. By reason of the enlargement, the present school year commenced and continues with a larger number of pupils than was estimated for when the appropriation for current expenses was made two years ago, and consequently there will be a deficit of \$7,000, which sum I hope will be appropriated without delay, so that the current expenses of the Institution to the end of its fiscal year, March 31, 1871, may be provided for, and the necessity and disadvantage of making purchases on credit may be avoided.

SOLDIERS' HOME.

I commend the Soldiers' and Seamen's Home at Knightstown, and especially the Orphans' Department thereof, to your especial consideration, with an expression of the hope that it may receive a more liberal support at your hands than has hitherto been accorded. Thus far it seems to have been reluctantly admitted into the family of our benevolent institutions, and it has appeared to be more difficult to get appropriations for its support than for any kindred institution. For my own part, I know of no class of the meritorious unfortunates who are entitled to a fuller measure of the sympathy and care of a benevolent and patriotic people than the scarred veterans' and soldiers' orphans now in the "Home" at Knightstown. The amount heretofore allowed for the current expenses of the Institution has been insufficient, and this year again the Commissioners have been compelled to borrow \$5,000 to enable them to meet the necessary current expenses. I believe that the affairs of the Institution have been managed with marked judgment and economy, and trust that the provision for its support may be as liberal in proportion to its necessities as that made for any of the other benevolent institutions of the State.

THE STATE BOARD OF AGRICULTURE AND STATE GEOLOGIST.

It may well be doubted whether any act of legislation has been adopted by this State for many years which will prove so potent in developing the latent resources of the State, and in directing attention to our mineral wealth and manufacturing advantages as that of March 7, 1869, providing for the establishment of a Department of Geology and Natural Science in connection with the State Board of Agriculture. On the 22d day of March, 1869, I appointed Professor Edward T. Cox to the office of State Geologist, created by that act, and soon after he established himself at Indianapolis and entered upon the duties of his office. The act required him to make a survey, from time to time, of a portion of the State, in order to be able to complete a thorough geological survey of the State, as soon as consistent with his other duties, as defined by the act. With the small appropriation made, and the little assistance he was able to employ, it was impracticable for the Geologist to extend his

labors over a very large scope of country, unless he disregarded that thoroughness which is essential to the attainment of valuable results. He selected, as the chief field of his operations, that portion of the State which previous partial surveys had designated as the region whose development would be of the greatest immediate practical value to the entire State, in attracting both labor and capital to and within our borders. I have received letters from highly respectable gentlemen of different counties of the Northern as well as the Southern portions of the State, complaining of the neglect which their respective localities had suffered at the hands of the State Geologist, but I am satisfied that the course he pursued was the wisest and best, considering the means at his command and the circumstances by which he was surrounded.

I recommend that a reasonable addition be made to the salary of the Geologist, and that increased means be placed at the disposal of the State Board of Agriculture for the support of its Geological and Scientific Department, so that assistant geologists may, at the earliest practical period, be put in the field to hasten the completion of a survey of the entire State, and to avoid any suspicion that mere local interests are sought to be promoted. The developments already made, demonstrate that in the black coal of this State our people possess a mine of wealth that is practically inexhaustible. Covering a strip of territory averaging three miles in width, it exists in workable veins from the Ohio river to Warren county, a distance of one hundred and fifty miles. The fact that this coal can be taken directly from the mine to the furnace and used for smelting purposes without coking, producing as good, if not better, iron than that made from the same ore with charcoal, gives Indiana advantages for manufacturing purposes that can hardly be exaggerated.

If practical experience shall affirm, as I believe it will, the correctness of the opinion so confidently entertained by Professor Cox, that the iron made at the furnaces in Clay county will make as good Bessemer steel as the imported iron now almost exclusively used for that purpose, our facilities for the production of steel rails must be of incalculable value.

COURTS.

I respectfully refer you to the message delivered two years ago

for my views in relation to our judiciary, and wish to be understood as repeating the recommendations then made. Since then the Supreme Court has decided that the Criminal Courts established in some of the more populous counties are not Circuit Courts, but that they have a legal existence as inferior Courts. This being so, their names should be changed, and the harmony of our Circuit Court system should be restored by the proper amendatory enactments.

I fully concur in the opinion so generally expressed by the judges and lawyers, that provision should be made for the addition of a fifth judge to the bench of the Supreme Court.

I herewith respectfully submit a copy of the memorial adopted at a meeting of the bench and bar, held at Indianapolis on the 30th day of November last, on this subject, the same having been presented to me by the committee having the matter in charge, with the request that I would lay the same before you.

The statute passed at the last session requiring the salaries of the judges and prosecuting attorneys of the criminal courts to be paid out of the county treasuries, is wrong in principle and ought to be repealed. If these courts are not necessary to the effectual and prompt prosecution of the pleas of the State, they ought to be abolished; if they are necessary, the salaries of the judges and prosecutors ought to be paid out of the common treasury.

DECEDENTS' ESTATES.

Some additional legislation is, in my judgment, necessary in relation to decedents' estates, for the attainment of the following object, viz.:

1st. To prevent small estates from being absorbed by the costs and expenses of administration, by providing for their settlement through the instrumentality of a public administrator, without charge to the estate, or by dispensing with administration altogether.

2d. To enlarge the amount allowed to widows out of the estates of their deceased husbands free from the claims of creditors.

3d. To make a similar exemption in favor of the decedents' infant children of tender years left unprovided for by his or her death.

I also believe that provision might with propriety be made to dispense with administration in all cases where those interested in the estate shall give undoubted security for the payment of the debts thereof within a reasonable time, to be prescribed by statute.

I make these suggestions without going into detail, feeling assured that if the objects named shall meet your approval, there will be no difficulty in giving the recommendations practical effect.

CRIMINAL LAW AND PRACTICE.

I also refer to the views expressed two years ago on the subject of the amendment of our Criminal Code, and the reformation of the practice in criminal prosecutions. The views then expressed on these subjects are still entertained. I especially suggest that the brutal crime of prize fighting has not yet been denounced as a felony by our law.

COUNTY REFORM.

There is an unmistakable popular demand for reform in the administration of county affairs, and for the reduction of the fees of county officers, especially in the wealthy and more populous counties. Under the constitutional provision preventing local or special legislation on the subject of fees and salaries, it is generally understood that compensation for official services can not be graduated according to population. This may render it difficult to devise a fee bill that will, in all cases, be just both to the public and to the office-holder. But this difficulty need not, and should not, prevent an effort being made, and successfully made, to accomplish the result.

A NEW STATE HOUSE.

I recommend that provision be made for the immediate acquisition of all the property not now owned by the State, situated between Tennessee and Mississppi streets, and between Market and Ohio streets, and for vacating Market street, so far as it forms the northern boundary of the State House Square, and for vacating the alley which bounds the arsenal lot on the north, to the end that the property now owned by the State, and that so

proposed to be acquired, may be used as a site for a new State House whenever it shall be deemed expedient to build one. The building of a new State Capitol can not long be deferred, and now is the proper time to secure the proper site without a large outlay for that purpose. The site proposed would embrace about nine acres.

REFORMATORIES.

The reports of the House of Refuge and Reformatory for Women and Girls not having been received until after the preparation of this communication, I shall ask permission to present to you hereafter, in a special message, whatever I may deem it necessary to say concerning those institutions.

OUR DIVORCE LAWS.

The laws of this State regulating the granting of divorces, and especially the lax manner in which they have been administered in some of our courts, has given Indiana a notoriety that is by no means enviable. Some of the reproach that has been cast upon the State in this connection is doubtless undeserved; but a candid review of our laws and their practical operation on this important subject will, it is believed, satisfy any impartial mind that a reformation is imperatively demanded.

The causes for which divorces may be granted under the existing statutes are as follows, viz.:

First. Adultery.

Second. Impotency.

Third. Abandonment for one year.

Fourth. Cruel treatment of one party by the other.

Fifth. Habitual drunkenness of either party.

Sixth. The conviction, subsequent to the marriage, in any country, of either party, of an infamous crime.

Seventh. Any other cause for which the court shall deem it proper that a divorce should be granted.

It is not my purpose to urge any objection to either of the six specific causes of divorce above enumerated, except to say that the phrase "cruel treatment," which constitutes the fourth cause, has been so liberally construed in favor of applicants for divorces by some of our courts, as to render necessary, in my

judgment, a return to the more positive language of the statute of 1843, which required the treatment to be "cruel and inhuman." The great objection to our statute is, however, the discretionary clause already quoted, allowing a court to grant a divorce for any cause that the judge may deem sufficient.

This clause, which pretends to lay down a rule for the government of human affairs in the most important relation of life, is at war with the fundamental idea and elementary definition of law. Law is a prescribed rule of civil conduct. This statute prescribes no rule, the observance of which shall save, or the violation of which shall forfeit conjugal rights. Under this clause the question, what is or is not a sufficient cause for a divorce, instead of being determined by a general rule is measured by no rule at all, and the standard of judgment, instead of being prescribed so that it may be known and read of all men, remains locked up in the mind of the judge until he pronounces judgment between the parties in the case before him. It is worse than delegating legislative powers to the judiciary--which the constitution expressly prohibits--for it authorizes the judge to make his own judgment of what the law ought to be, the rule of decision in each case, as it arises, without any previous intimation of the standard or rule by which the rights of the parties are to be measured. The constitution prohibits special legislation on the subject of granting divorces, but under this discretionary clause, causes of divorce vary in the several judicial circuits and districts, with the diversified mental and moral peculiarities of the judges. Objectionable as the statute is which regulates the causes for which divorces may be granted, the law governing the practice in divorce cases is worse.

The facility with which citizens of other States, after a pretended residence in this, can and do procure divorces in our courts, and then return to their homes from which they fled for that very purpose, is a reproach to the civilization of the age, and a breach of that comity which should be scrupulously observed between sister States of the same great republican family. Under the present statute a divorce may be obtained in this State where both the plaintiff and the defendant, at the time of the rendition of the decree, are resident citizens of another State. True, the applicant must have been a resident of the county in which he commences suit at the date of the filing of his petition, and he must have been a resident of the State for

one year prior to that time, but the year having elapsed, and the petition being filed, his residence may then cease, he may return to the State from which he came, and his application for a divorce will be none the less successful by reason of his departure. Such a statute must be highly appreciated by divorce seekers from other States, who can not afford to keep up the appearance of a residence in this for more than one year, but it is not calculated to give citizens of Indiana a very exalted idea of the righteousness or wisdom of the legislation of their own State. Even permanent residents of our own State, who apply for divorces, are favored by our practice above plaintiffs in other actions. The defendant in every other action purely personal, if a resident of the State, must be sued in the county of his residence, but in divorce cases, the applicant has the right to sue in the county in which he resides, and he can change his residence to attain success abroad, when failure would be certain at home.

I therefore recommend that the clause of the statute which authorizes divorces for any cause that the court may deem sufficient, be repealed, and that the clause making cruel treatment a good cause of divorce be so amended as to require the treatment to be cruel and inhuman, or cruel and barbarous. I further recommend that the practice in divorce cases be so amended as to embrace the following provisions, viz.:

1st. Requiring the defendant, when a resident of the State, to be sued in the county of his or her residence.

2d. Requiring the plaintiff not only to have been a resident of the State for one year prior to the filing of his petition, but that he should continue to reside in the State during the pendency of the suit and until the case is tried.

3d. Vesting in the Circuit Courts exclusive jurisdiction of applications for divorce.

4th. Requiring the petition in every divorce case to show where the causes of divorce relied on happened or accrued, and where the applicant resided at the time, and if they happened or accrued elsewhere than in this State, and at a time when the plaintiff was not a resident of this State, that no divorce shall be granted unless it be alleged in the petition and proved on the trial that the matters so relied upon would be a good cause of divorce by the laws of the State, place or jurisdiction within which the same happened or accrued.

5th. Requiring the allegations as to the place where the cause

or causes of divorce relied upon accrued, and the place of residence of the plaintiff at the time of their accruing, to be verified by affidavit appended to the petition, and also to be proved on the trial.

With such amendments as these we might well hope that Indiana divorces would soon cease to be advertised in any of the Atlantic cities as marketable commodities, and that refugees and fugitives from the justice of other States would no longer come to Indiana in quest of divorces, to be used on their return to their homes as licenses to violate the laws of our sister States.

STATE PRISONS.

So far as I am informed, the State Prisons are well managed and in a satisfactory condition. The financial success of the present administration of the Northern Prison in making it self-sustaining, without disregarding or neglecting the physical, moral or intellectual interests of the prisoners, is worthy of the highest commendation.

The moral reformation that has been wrought in the affairs of the State Prison, south, since the commencement of the administration of the present Warden, has merited all the praise that has been so generously bestowed upon it.

It is deeply to be regretted that under our system of officering these institutions, the administration of their affairs is so liable to be changed with the mutations of political parties. Wisdom would dictate that considerable permanency of administration, coupled with a rigid responsibility on the part of those having the management of such institutions, should prevail; our policy is just the reverse of this. It is frequent change of administration, with no liability to have the affairs of the prisons inspected or the officers thereof called to an account, except during the sixty-one days, in every period of two years, when the General Assembly is in session.

I call your attention to the fact that there are insane prisoners in one, or perhaps both, of our prisons, and some of these are dangerous to the other prisoners, for the want of proper facilities for their care and treatment. Experience has shown, in Ohio and other States, that it is unwise to transfer such prisoners to the Insane Hospital, as placing those convicted of crime among the other insane patients has a bad influence on the latter, and

the treatment which the insane prisoners receive from the other inmates of the Hospital, is not such as to promote their recovery. In addition to this, the Hospital is not sufficiently strong for such patients without preparing a ward expressly for their accommodation. I therefore recommend that a ward be constructed within the walls of the Northern Prison expressly for insane prisoners, and that provision be made for the transfer, from time to time, as occasion may require, of all insane prisoners in either of the prisons to such ward.

I invite your attention to the statements in the reports of the Directors and Warden of the Southern Prison in relation to the fire that occurred in April last and the money advanced to repair the damage done to the prison by the fire. The amount advanced was \$12,000, and it was furnished by the Auditor of State out of the uninvested money of the Sinking fund in his hands. There is consequently no liability for interest, unless you see proper to provide for the payment of interest to the School Fund for the use of the money.

I have already, in speaking of the Sinking Fund, recommended that an appropriation be made without delay, to reimburse that fund to the amount thus borrowed.

I desire here to suggest that there ought to be a definite policy established by law as to the insurance of the buildings belonging to the various State institutions. There should be a uniform practice in this respect to insure all State buildings connected with the benevolent institutions, prisons and reformatories, or to insure none of them. As it now is, there is a partial insurance on some and none at all on others. The true policy, in my judgment, would be for the State to be the insurer of its own buildings without exception; that this policy would be profitable in the long run I have no doubt; but with it should be coupled the power, in the event of a loss by fire, to the executive officers of the State to draw from the treasury of the State, under proper restrictions and limitations to be prescribed by law, a sufficient sum of money to repair the injury done. As the matter now stands, the General Assembly must in such case be convened in special session, at an expense to the State, greater, as a general rule, than the sum necessary to be appropriated, or the Governor or some other officer must take the responsibility of obtaining and applying the necessary amount without authority of law.

I commend to your careful consideration the propriety of pondering the question, whether it will not soon be necessary to abandon the Southern Prison, and establish in lieu thereof, at some central point in the State, a prison intermediate between the House of Refuge and the Penitentiary, with a view to the gradation of our reformatory and penal institutions, as well as to a classification of prisoners. The prison at Michigan City might be made to accommodate all the prisoners that would for some years be sent to a prison of that class if we had an intermediate prison. Its location in one of the extremes of the State is an objection to the policy of having but one prison of its class for the entire State, but I do not think this objection is insuperable. The prison at Jeffersonville is in such a condition that it will require a large amount to keep it in even tolerable repair, and then it seems cruel to perpetuate the policy of keeping human beings, though they be convicted criminals, in cells seven feet long, seven feet high, and three and a half feet wide, with no ventilating flues, and no possibility of getting fresh air except through the grating of the cell doors. If the contract system is to be continued, and I do not see how to do otherwise at present, the law itself should contain such provisions as will give the directors and warden full control, and enable them to terminate the contracts whenever the interests of the State may require it. As the matter now is, the rights of the State depend very much on the skill, or want of skill, with which the contracts for the labor of the prisoners are drawn.

SUPERVISORY BOARD.

I earnestly recommend that a Supervisory Board, to have jurisdiction over all the State institutions, benevolent, penal and reformatory, be established. Its powers of visitation and inspection ought to be ample, and it should also possess the power to suspend or remove officers connected with the institutions under its care; or the last named power might be given to the Executive, to be exercised only upon the recommendation of such Board. As women and girls are inmates of our benevolent institutions, and will be in the new Reformatory, I deem it highly important that the members of such board of supervision should be composed, in part, of women.

PARDONS AND REMISSIONS.

I herewith respectfully submit, pursuant to the requirements of the constitution, a report showing all the reprieves, commutations and pardons granted, and another showing all the fines and forfeitures remitted since the previous report made to the last General Assembly.

CONCLUSION.

In conclusion, I desire to add my hearty amen to the invocation of the Divine blessing upon your labors with which this joint convention was opened, and to assure you of my cordial co-operation in all your efforts to elevate and improve the condition of the people, and to diversify the industries and develop the resources of the State.

CONRAD BAKER.

The President of the Senate then declared that the business for which the two Houses of the General Assembly had been called together had been concluded, and the Senate returned to its chamber.

Mr. Johnson offered the following resolution :

Resolved, That the rules be amended by striking out of the first article all after the word "precisely," in the first line, to the word "at," in the third line. Also, further amend the first article by striking out the word "nine," in the third line, and insert the word "ten."

Which was laid over one day, under the rules of the Senate.

Mr. Bobo asked and obtained leave to record his vote upon the resolution offered by Mr. Johnson, on the appointment of a committee to appoint the standing committees of the Senate, "Aye."

Mr. Hooper offered the following resolution :

Resolved, That when the Senate adjourns, the adjournment shall be until Monday next, at two o'clock.

Which was adopted.

Mr. Caven introduced

Senate Joint Resolution No. 1. A joint resolution proposing an amendment to the Constitution, by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie Canal.

Which was read a first time, and,

On motion of Mr. Caven,

Was made the special order for Thursday, January 11th, 1871, at 2½ o'clock P. M.

Mr. Bradley presented a petition from the Common Council of the city of Laporte, asking for the passage of an act to legalize the issue of bonds by the Common Council of the city of Laporte to aid in the construction of water works.

Which, by consent, was laid on the table.

By the unanimous consent of the Senate, Mr. Bradley introduced

Senate Bill No. 1. A bill to legalize bonds of cities issued to aid in the construction of water works and the sale and hypothecation of such bonds, to legalize all orders, resolutions, and ordinances of cities for the construction of water works, and all acts done and contracts made under and in pursuance thereof; and to authorize the issue and sale of bonds, and negotiations of temporary loans, to raise money to carry out and comply with contracts heretofore made for the establishment and construction of water works, and to fully complete said works.

Read a first time.

Mr. Bradley moved to suspend the constitutional rules requiring bills to be read on three several days, that the bill may be read a second time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs.

Alsop,	Beardsley,	Bobo,
Andrews,	Beeson,	Bradley,
Armstrong,	Beggs,	Carnahan,

Cave,	Green,	Miller,
Caven,	Gregg,	Morgan,
Collett,	Hadley,	Robinson,
Denbo,	Hamilton,	Rosebrough,
Dittemore,	Henderson,	Sarninghausen,
Dougherty,	Hess,	Scott,
Elliott,	Hooper,	Steele,
Fosdick,	Hubbard,	Straud,
Francisco,	Johnson,	Taylor,
Fuller,	Keigwin,	Wadge,
Glessner,	Lasselle,	Williams,
Gray,	Martindale,	Wood—45.

Mr. Hughes voted in the negative.

So the rule was suspended.

Senate Bill, No. 1, was read a second time by title only, and ordered to be engrossed.

By the unanimous consent of the Senate, Mr. Johnson introduced

Senate Bill No. 2. "A Bill to prevent hunting or shooting within enclosures without the consent of the owner thereof and fixing a penalty therefor."

Which was read a first time and passed to a second reading on to-morrow.

Mr. Martindale by unanimous consent of the Senate introduced

Senate Bill No. 3. A Bill regulating fees of certain officers therein named and prescribing penalties for the violation of its provisions.

Which was read a first time.

Mr. Martindale moved that the bill lie on the table, and 200 copies be printed.

Which was agreed to.

Mr. Henderson by unanimous consent of the Senate, introduced

Senate Bill No. 4. A bill prescribing certain of the duties of the

Clerks, Auditors, Sheriffs and Treasurers of the several counties of this State fixing their compensation, prescribing penalties for their failure to discharge their duties, regulating the appointment of bailiffs and their allowances and repealing all laws in conflict with the provisions thereof.

Which was read a first time, and passed to a second reading.

Mr. Bobo asked and obtained leave of absence for next week.

Mr. Keigwin introduced

Senate Joint Resolution No. 2. "A joint resolution ceding to the United States, jurisdiction over certain land in Jeffersonville, Indiana, to be used for Military purposes."

Which was read a first time, and passed to a second reading on Monday.

On motion by Mr. Hess,
The Senate adjourned.

MONDAY AFTERNOON.

JANUARY 9th, 1871, 2 o'clock P. M.

The Senate met.

The Journal of yesterday was read, corrected, and approved.

Mr. Johnson moved to take up the resolution offered by him amending the rules of the Senate, changing the time of meeting.

Which was agreed to.

Mr. Bradley moved to postpone the further consideration of the same until Thursday next at two o'clock.

Which was agreed to.

Mr. Cave offered the following resolution :

Resolved, That the State Librarian be authorized to furnish stationery for the use of the Senate, and the chairman of each standing committee be authorized to draw from the Librarian, five dollars worth of stationery for his committee. The President of the Senate and each Senator be authorized to draw from the Librarian, twenty dollars worth of stationery and stamps. And the principal and assistant secretaries be authorized to draw from the Librarian, such stationery as they may need in their respective departments, and that the Doorkeeper of the Senate be authorized to draw from the Librarian such stationery as may be necessary in the proper discharge of the duties of his office, not exceeding in value ten dollars.

Mr. Bradley offered the following amendment :

Amend, by giving the President and each Senator twenty dollars worth of stationery, and five dollars worth of stamps.

Mr. Dittmore moved to lay the amendment on the table.

Which was agreed to.

The question recurring on the adoption of the resolution.

Mr. Williams moved to refer the whole matter to a select committee of three.

It was agreed to.

The President announced the following as said committee :
Messrs. Williams, Cave and Martindale.

Mr. Denbo offered the following resolution :

Resolved, That the Doorkeeper be instructed to contract for, and place upon the desks of Senators, President of Senate, and Secretaries, one copy each of the Indianapolis Daily Journal, State Sentinel, and six copies of the Weekly Volksblatt, Telegraph, Sentinel and Journal; all of the weekly copies to be suitably wrapped and stamped for mailing: *Provided*, The same will publish correct reports of the proceedings of the Legislature.

Mr. Sarninghausen moved to amend by inserting one copy of the Telegraph.

It was not agreed to.

Mr. Henderson offered the following amendment :

Resolved, That the Doorkeeper be authorized to contract for, and deliver to each Senator, the Lieutenant Governor, and each elective officer of the Senate, three copies each of the Daily State Sentinel and Indianapolis Journal, two copies each to be stamped and wrapped; six copies each of the Telegraph, Commercial, and News, and six copies of the Weekly Volksblatt wrapped and stamped.

Mr Caven moved to amend by including the Indiana American.

It was not agreed to.

Mr. Hughes moved to amend the amendment as follows :

And provided further, That the Senate may stop said papers at any time, and compensation thereupon shall only be paid to the time of the order discontinuing said papers.

Which was agreed to.

The question recurring on the amendment as amended,

It was agreed to.

Mr. Martindale moved to amend as follows:

Strike out the word "three" before the words "Daily Sentinel and Journal," and insert "one," and strike out the word "six" before the words "Weekly Telegraph," and insert "one."

Mr. Dittemore offered the following amendment to the amendment:

Amend by striking out three copies of the Daily Sentinel and Journal, and insert one copy of each, and six copies each of the Weekly Sentinel and Journal wrapped and stamped.

Which was not agreed to.

The question recurring on the amendment offered by Mr. Martindale,

Mr. Johnson moved to lay the resolution, with amendments, upon the table.

Which was agreed to.

Mr. Brown offered the following:

Joint Resolution No. 3. A joint resolution of instruction to the Senators in Congress representing the State of Indiana, on the subject of annexing Dominica to the United States.

Which was read a first time.

The question being on the passage of the resolution,

Mr. Brown moved the previous question.

Which was seconded by the Senate.

The question recurring on the passage of the resolution,

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Keigwin,
Armstrong,	Francisco,	Lasselle,
Beggs,	Fuller,	Morgan,
Bobo,	Glessner,	Rosebrough,
Bradley,	Gregg,	Sarninghausen,
Brown,	Henderson,	Straud,
Carnahan,	Hubbard,	Wadge,
Cave,	Hughes,	Williams—26.
Denbo,	Johnson,	

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Case,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Elliott,	Hooper,	Wood—20.
Fosdick,	Martindale,	

So the resolution passed.

Ordered, That the Secretary inform the House thereof.

Mr. Brown moved to reconsider the vote just taken, and moved to lay that motion on the table.

It was agreed to.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following joint resolution, to wit:

A Joint Resolution in relation to the granting of pensions to the surviving soldiers of the war of 1812.

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be, and they are hereby, requested and instructed to use their best efforts to procure the speedy passage of the House bill passed by the House of Representatives at the last session of Congress, and now pending in the Senate of the United States, providing for the granting of pensions to the surviving soldiers of the war of 1812.

Resolved, That copies of this joint resolution, duly authenticated, be transmitted by the Governor to the Vice President of the United States, and to our Senators in Congress.

Mr. Lasselle offered the following concurrent resolution:

Resolved by the Senate (the House concurring,) that a joint com-

mittee of five, two to be selected by the President of the Senate and three by the Speaker of the House, are hereby appointed, to whom all bills and resolutions relating to the fees and salaries of State, county, and township officers, shall be referred; and whose further duty shall be to inquire into and report, by bill or otherwise, upon the expediency of reducing any unnecessary expenditures—State, county, or municipal.

Mr. Green moved to lay the resolution upon the table.

Which was agreed to.

Mr. Bradley, by consent, introduced

Senate Bill No. 5. A bill to enable married women to join with their husbands, and make valid executory contracts for the sale or conveyance of his real estate.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Green, by consent, introduced

Senate Bill No. 6. A bill fixing and giving specific salaries for county auditors, treasurers, and sheriffs of the several counties in the State, providing for deputies, defining their duties, and repealing all laws in conflict with this act.

Which was read a first time, and passed to a second reading.

Mr. Hadley, by consent, introduced

Senate Bill No. 7. A bill providing for the publication of certain business therein named of boards of commissioners, fixing a penalty, designating the terms when certain business shall be transacted, repealing all laws in conflict herewith, and declaring an emergency.

Which was read a first time, and passed to a second reading.

Mr. Martindale, by consent, introduced

Senate Bill No. 8. A bill to amend the sixth, seventh and eleventh sections of "an act entitled an act regulating the granting divorces, nullification of marriages, and decree and orders of court incident

thereto," approved May 13, 1852, and repealing all laws conflicting with this act.

Which was read a first time, and passed to a second reading.

Mr. Wood, by consent, introduced

Senate Bill No. 9. A bill regulating interest on money.

Which was read a first time, and passed to a second reading.

Mr. Gregg, by consent, introduced

Senate Bill No. 10. A bill repealing section one of an act entitled "an act prescribing the duties and fixing the compensation of State Agent," approved June 17, 1852, and authorizing and requiring the Treasurer of State to perform the duties thereof, and declaring an emergency to exist for the taking effect of this act.

Which was read a first time, and passed to a second reading.

Mr. Johnson, by consent, introduced

Senate Bill No. 11. A bill to amend an act entitled "An act to enable the owners of wet lands to drain and reclaim them where the same can not be done without affecting the lands of others, prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent therewith."

Which was read a first time and passed to a second reading.

Mr. Cave, by consent, introduced

Senate Bill No. 12. A bill to amend section 7, of an "Act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed." Approved March 6th, 1865.

Read a first time and passed to a second reading.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has concurred in the following resolution :

Resolved, By the Senate and House concurring therein, that the Senate and House of Representatives meet in joint convention in the hall of the House of Representatives, on Wednesday next, at 2½ o'clock P. M., for the purpose of electing such officers as are to be elected by this General Assembly. Except Agent of State, the election of which officer shall be postponed four (4) weeks, unless said office shall be abolished by this General Assembly, prior to said time.

Mr. Bradley, by consent, introduced

Senate Bill No. 13. A bill to establish the rate of interest on judgments, and claims in certain cases.

Which was read the first time and passed to a second reading.

Mr. Hubbard, by consent introduced

Senate Bill No. 14. A bill to encourage manufacturing in the State of Indiana, and allowing and legalizing conveyances of real estate to foreign manufacturing corporations.

Which was read the first time and passed to a second reading.

Mr. Johnson by consent introduced

Senate Bill No. 15. A bill supplemental to "An act authorizing the construction of Plank, Macadamized, and Gravel Roads," approved March 12, 1852, and the amendments thereto.

Which was read a first time and passed to a second reading.

The President laid before the Senate the following communication with accompanying documents :

OFFICE OF THE BANK OF THE STATE OF INDIANA,
Indianapolis, January 7, 1871.

HON. WILL CUMBACK :

President of the Senate of the State of Indiana.

SIR: Herewith please receive and lay before the Senate the

report of the Bank of the State of Indiana, and of the condition of each Branch thereof on November 17, 1870, at 2 P. M., and also a separate report of each such branch.

Respectfully,

JAMES M. RAY,

President.

Mr. Hess, by consent, introduced

Senate Bill No. 16. A bill to amend section 3 of an act entitled "An act to authorize cities and towns to negotiate and sell bonds," to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and to authorize the levy and collection of an additional special school tax for the payment of principal and interest of such bonds.

Read a first time and passed to a second reading.

Mr. Williams, by consent, introduced

Senate Bill No. 17. A bill to regulate and make uniform the prices charged by railroad companies for transporting passengers, goods, wares, merchandise and other property to and from stations on railroads in the State of Indiana, declaring the duties of certain officers in relation thereto, prescribing penalties for the violation thereof, and declaring an emergency.

Which was read a first time and passed to a second reading.

Mr. Carnahan, by consent, introduced

Senate Bill No. 18. A bill making it lawful for County Recorders to demand and receive their fees for recording at the time any deed, mortgage, or other papers is presented to them for record.

Which was read a first time and passed to a second reading.

Mr. Brown, by consent, introduced

Senate Bill No. 19. A bill to provide for the re-location of county seats, and for the erection of public buildings in case of such re-location, and for the transfer of the former county property and defining certain misdemeanors, and prescribing punishment therefor.

Which was read a first time and passed to a second reading.

Mr. Hubbard, by consent, introduced

Senate Bill No. 20. A bill empowering and legalizing appropriations for bridges by County Commissioners.

Which was read a first time and passed to a second reading.

Mr. Martindale, by consent, introduced

Senate Bill No. 21. A bill to amend section thirty-nine of an act entitled "An Act defining felonies and prescribing punishment therefor."

Which was read a first time and passed to a second reading.

Mr. Dittmore, by consent, introduced

Senate Bill No. 22. A bill to fix the time of holding courts in the Sixth Judicial Circuit, requiring all persons to take notice thereof, providing for the return of process, repealing all laws in conflict therewith, and declaring when this act shall take effect.

Which was read a first time and passed to a second reading.

Mr. Lasselle, by consent, introduced

Senate Bill No. 23. A bill to constitute the Twenty-fifth Judicial Circuit.

Which was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Bradley,
The Senate adjourned.

TUESDAY AFTERNOON.

JANUARY 10, 1871, 2 O'CLOCK.

The Senate met.

The Journal of yesterday was read and approved.

Mr. R. S. Dwiggins presented himself, produced his credentials, and was sworn in by Judge A. C. Downey of the Supreme Court, as a member of the General Assembly.

Mr. Beeson presented a petition from sundry citizens of Jay county, asking that the Constitution of the State be so amended as to remove all legal and political disabilities of women.

Mr. Beeson moved that it be referred to a select committee of five.

Messrs. Brown and Henderson demanded the ayes and nays.

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Martindale,
Armstrong,	Fosdick,	Miller,
Beardsley,	Fuller,	Morgan,
Beeson,	Green,	Robinson,
Bobo,	Hadley,	Scott,
Carnahan,	Hamilton,	Steele,
Case,	Hess,	Taylor,
Collett,	Hubbard,	Wadge,
Denbo,	Keigwin,	Wood—27.

Those who voted in the negative were, Messrs.

Alsop,	Cave,	Elliott,
Beggs,	Caven,	Francisco,
Bradley,	Dittemore,	Glessner,
Brown,	Dougherty,	Gray,

Gregg,	Johnson,	Sarninghausen,
Henderson,	Lasselle,	Straud,
Hooper,	Rosebrough,	Williams—22.
Hughes,		

So the motion prevailed.

The President announced the following special committee on the same:

Messrs. Beeson, Fuller, Dwiggins, Hadley, and Morgan.

The Lieutenant Governor laid before the Senate the following communication from the Governor:

STATE OF INDIANA, EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 7, 1871.

To the Honorable the President of Senate:

SIR: At the request of the committee having the matter in charge, I have the honor to transmit herewith, for the consideration of the Senate, a petition on behalf of the surviving soldiers of the war of 1812, praying for the passage of a joint resolution in favor of a bill which passed the House of Representatives of the United States, at the last session of Congress, and is now pending in the Senate of the United States, providing for granting pensions to said surviving soldiers. I do cordially join in the prayer of the petition.

I have the honor to be very respectfully,

Your obedient servant,

CONRAD BAKER.

Also a petition of a committee and other citizens of the State, on behalf of the surviving soldiers of the war of 1812, asking the General Assembly to memorialize the Senate of the United States in favor of the passage of the House bill of last session, now pending in the Senate, granting pensions to said soldiers.

Mr. Bradley, from a select committee, made the following report:

MR. PRESIDENT:

The majority of the committee appointed by the Senate to select the standing committees of the Senate, respectfully report that they

have had the same under consideration, and have constituted the several committees, as follows, the Senator first named on each committee to be the chairman thereof:

On Elections.

Messrs. Bobo, Hughes, Johnson, Dittimore, Scott, Case, and Steele.

On Finance.

Messrs. Williams, Lasselle, Glessner, Dougherty, Gray, Hooper, and Bradley.

On Judiciary.

Messrs. Hughes, Bradley, Brown, Glessner, Hooper, Scott, and Caven.

On Education.

Messrs. Bradley, Hughes, Francisco, Johnson, Taylor, Hadley, and Scott.

On Corporations.

Messrs. Brown, Carnahan, Armstrong, Henderson, Green, Wood, and Hubbard.

On Roads.

Messrs. Cave, Johnson, Alsop, Fuller, Hamilton, Hess, and Robinson.

On Benevolent Institutions.

Messrs. Morgan, Brown, Carnahan, Bobo, Green, Martindale, and Scott.

On Agriculture.

Messrs. Johnson, Williams, Robinson, Beeson, Cave, Carnahan, and Collett.

On Banks.

Messrs. Fuller, Beggs, Cave, Andrews, Case, Gregg, and Dwiggins.

On Manufactures.

Messrs. Francisco, Alsop, Beardsley, Miller, Morgan, Dougherty, and Fosdick.

Public Printing.

Messrs. Keigwin, Williams, Lasselle, Caven, Hooper, Henderson, and Scott.

On Public Buildings.

Messrs. Scott, Elliott, Morgan, Fosdick, Keigwin, Fuller, and Steele.

On Prisons.

Messrs. Dittmore, Denbo, Johnson, Gray, Robinson, Williams, and Wadge.

On Canals and Internal Improvements.

Messrs. Gregg, Armstrong, Wood, Miller, Keigwin, Alsop, and Wadge.

On State Library.

Messrs. Straud, Beggs, Caven, Gregg, Rosebrough, Andrews, and Dwiggins.

On Fees and Salaries.

Messrs. Henderson, Denbo, Gray, Glessner, Straud, Martindale, and Hubbard.

On Claims.

Messrs. Carnahan, Francisco, Hess, Denbo, Sarninghausen, Caven, and Hooper.

On Military Affairs.

Messrs. Dougherty, Cave, Hadley, Dittemore, Keigwin, Steele, and Hamilton.

Phrasology Arrangement of Bills and Enrolled Bills.

Messrs. Bradley, Straud, Hooper, Sarninghausen, Bobo, Caven, and Hubbard.

On Unfinished Business.

Messrs. Armstrong, Beggs, Beeson, Brown, Elliott, Beardsley, and Andrews.

On Organization of Courts.

Messrs. Lasselle, Glessner, Brown, Hughes, Martindale, Scott, and Wood.

On Federal Relations.

Messrs. Beggs, Fuller, Hughes, Beeson, Rosebrough, Collett, and Dwiggins.

On Expenditures.

Messrs. Denbo, Alsop, Taylor, Fuller, Sarninghausen, Fosdick, and Hess.

On Swamp Lands.

Messrs. Rosebrough, Bradley, Miller, Bobo, Williams, Green, and Hadley.

On Temperance.

Messrs. Sarninghausen, Francisco, Robinson, Elliott, Cave, Wadge, and Case.

On County and Township Business.

Messrs. Glessner, Denbo, Beeson, Dittemore, Dougherty, Elliott, and Fosdick.

On the Rights and Privileges of the Inhabitants of the State.

Messrs. Johnson, Straud, Elliott, Morgan, Gregg, Hess, and Robinson.

On Emigration.

Messrs. Alsop, Dittemore, Dwiggins, Elliott, Beggs, Gregg, and Collett.

On Insurance.

Messrs. Lasselle, Henderson, Martindale, Brown, Dougherty, Taylor, and Scott.

On Railroads.

Messrs. Glessner, Beggs, Andrews, Bradley, Bobo, Gray, and Hess.

In which, they respectfully ask the concurrence of the Senate.

JAMES BRADLEY.

O. G. GLESSNER.

M. T. CARNAHAN.

ED. HENDERSON.

Mr. Martindale, from the same committee, submitted the following report :

MR. PRESIDENT :

The minority of the committee appointed by the Senate to select the standing committees of the Senate, would respectfully report that they can not concur in the report of the majority of the committee for the following among other reasons :

That said committee are not equitably distributed between the political parties of the Senate according to their respective numbers.

That said committees are not constituted with reference to the qualifications of the parties composing the same for service on the several committees to which they have been assigned, but rather with reference to their political proclivities.

That the Hon. John W. Burson, the Senator from Delaware and Madison, has been purposely ignored by the majority, and placed upon no committee.

The minority would respectfully represent that the Hon. John W. Burson was regularly elected Senator from the counties of Delaware and Madison, and holding his certificate of such election in due form of law, he presented the same to the Lieutenant Governor at the bar of this Senate, on Thursday, the 5th day of January instant, and the oath of office as such Senator was then and there administered to him by the Hon. Alexander C. Downey, one of the Judges of the Supreme Court of the State of Indiana, all of which appears by the Journals of this Senate. That when sworn into office, (although the oath of office was administered to him while a protest was pending by other Senators against the administration of the same) he was, and is, a Senator with all the rights and privileges of other Senators, and can only be displaced by the modes prescribed by the Constitution and laws of the State. It is not pretended that any such action has been taken in this case, but on the contrary, a bare majority of Senators have undertaken to silence and displace the Senator from Delaware and Madison counties, and deprive these counties of representation on this floor. We therefore respectfully place the Hon. John W. Burson, Senator from Delaware and Madison, upon the committee on finance, in place of Mr. Hooper, named in the majority report. Also on the committee on county and township business, in place of Mr. Beeson, named in the majority report.

E. B. MARTINDALE,
H. D. SCOTT.

Mr. Bradley moved to lay the minority report on the table.

Messrs. Martindale and Scott demanded the ayes and noes.

The Secretary proceeded to call the roll, but before the vote had been announced—

Mr. Hadley moved that the name of the Senator from Delaware and Madison be called.

Mr. Hughes raised the point of order, "that by the decision of the Senate, he was not as yet a member of the body."

The President decided the point as not well taken.

From which decision Messrs. Brown and Hughes submitted the following appeal:

The roll call having been completed, on a call of the ayes and nays on the question of laying on the table the minority report of the select committee to report the standing committees of the body, Senator Hadley moved that John W. Burson be called as Senator from Delaware and Madison counties, and a point of order being raised that by the decision of the Senate he was not as yet a member of the body, the presiding officer overruled the point of order; from which decision of the chair the undersigned appeal.

JAMES HUGHES,
JASON B. BROWN.

The question being, shall the decision of the chair stand as the judgment of the Senate?

Mr. Taylor moved that the Senate do now adjourn.

It was not agreed to.

The question being, shall the decision of the chair stand as the judgment of the Senate?

Mr. Martindale moved a call of the Senate,

Which, upon division, it was not agreed to.

The question recurring on the motion by Mr. Bradley, demanding the previous question,

It was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the decision of the chair stand as the judgment of the Senate?

Messrs. Martindale and Scott demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Collett,	Hadley,
Beardsley,	Dwiggins,	Hamilton,
Beeson,	Fosdick,	Hess,
Case,	Gray,	Hooper,
Caven,	Green,	Hubbard,

Martindale,	Scott,	Wadge,
Miller,	Steele,	Wood—23.
Robinson,	Taylor,	

Those who voted in the negative were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Straud,
Cave,	Hughes,	Williams—25.
Denbo,		

So the decision of the chair was not sustained.

The question recurring on the motion to lay the minority report on the table,

The vote having previously been taken, it was announced as follows :

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—24.

Those who voted in the negative were, Messrs.

Andrews,	Collett,	Hadley,
Beardsley,	Dwiggins,	Hamilton,
Beeson,	Elliott,	Hess,
Beggs,	Fosdick,	Hooper,
Case,	Gray,	Hubbard,
Caven,	Green,	Martindale,

Miller,
Robinson,
Scott,

Steele,
Taylor,

Wadge,
Wood—25.

So the motion to lay on the table did not prevail.

The question recurring on the adoption of the minority report.

Mr. Brown moved the previous question,

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, on the adoption of the minority report,

It was not agreed to.

Then the question recurring on the adoption of the majority report,

It was agreed to.

Mr. Brown moved to reconsider the vote just taken; then moved to lay that motion on the table.

Messrs. Brown and Johnson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,
Armstrong,
Beardsley,
Beggs,
Bobo,
Bradley,
Brown,
Carnahan,
Cave,
Denbo,

Dittmore,
Dougherty,
Fosdick,
Francisco,
Fuller,
Glessner,
Gray,
Gregg,
Henderson,
Hooper,

Hughes,
Johnson,
Keigwin,
Lasselle,
Morgan,
Rosebrough,
Sarninghausen,
Steele,
Straud,
Williams—30.

Those who voted in the negative were, Messrs.

Andrews,	Green,	Miller,
Beeson,	Hadley,	Robinson,
Case,	Hamilton,	Scott,
Caven,	Hess,	Taylor,
Collett,	Hubbard,	Wadge,
Dwiggins,	Martindale,	Wood—18.

So the motion to lay on the table prevailed.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Senate Joint Resolution No. 2. A joint resolution of instruction to the Senators in Congress representing the State of Indiana, on the subject of annexing San Domingo to the United States.

Message from the House by Mr. Holmes, the Clerk thereof.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed House Bill No. 32, entitled "An act appropriating one hundred thousand dollars to defray the expenses of the Forty-seventh session of the General Assembly, in which the concurrence of the Senate is respectfully requested.

On motion by Mr. Fuller,
The Senate adjourned.

WEDNESDAY AFTERNOON.

JANUARY 11, 1871, 2 O'CLOCK.

The Senate met.

The Journal of yesterday was read and approved.

The Lieutenant Governor laid before the Senate the following message from the Governor:

To the Honorable, the President of the Senate:

SIR: John M. Commons, Esq., is authorized, as heretofore, to make Executive communications to the General Assembly. Will you please to inform the Senate thereof.

CONRAD BAKER,
Governor.

Executive Department, Jan. 10, 1871.

Also the following:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 10, 1871.

MR. PRESIDENT:

By direction of the Governor, I have the honor to transmit herewith a communication and accompanying documents relating to the Wabash and Erie Canal stock.

JOHN M. COMMONS,
Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 10, 1871.

Gentlemen of the Senate and House of Representatives:

I yesterday received a communication, in writing, from A. Gracie King, Esq., and others, acting as a committee on behalf of the

holders of the certificates of stock charged upon the Wabash and Erie Canal, transmitting to me copies of a printed memorial addressed to the General Assembly, on behalf of the holders of said certificates of stock, and requesting me to present the same to the General Assembly, accompanied by such remarks upon the claims represented by the committee as I might deem fitting.

In compliance with the request contained in the communication, I herewith transmit one copy of the printed memorial to the Senate and another to the House of Representatives.

I also transmit herewith a copy of said written communication, addressed to myself by said committee, to each House of the General Assembly.

Having so recently fully presented to you my views on the questions involved, I deem it unnecessary now to re-discuss these questions, except to say that I can not recommend, but will in all proper ways, and upon all proper occasions, oppose the submission of the State's liability for the payment of these canal stocks to any judicial tribunal, State or Federal. The eleventh amendment to the Constitution of the United States prevents the Federal Courts from entertaining jurisdiction of a suit against a State, and the consent of the State would not confer such jurisdiction.

It may also well be doubted whether, under the Constitution of the State, the claims of the holders of these canal stocks, could be submitted for adjudication to any of the State Courts. If, however, the proposition were free from all constitutional difficulties, the people of Indiana are competent to decide the questions involved for themselves, and nothing should be done to withdraw the decision of these questions from the jurisdiction of this sovereign tribunal.

CONRAD BAKER.

OFFICE OF THE COMMITTEE OF INDIANA BONDHOLDERS,

54 William Street, New York,

December 30, 1870.

TO HIS EXCELLENCY CONRAD BAKER:

Governor of the State of Indiana.

SIR: We have the honor to hand herewith a memorial addressed to the General Assembly of the State of Indiana by the committees representing the holders of the stock of Indiana, commonly called Wabash and Erie Canal Certificates; and to request of your Exeel-

lency to present the same to the General Assembly, accompanied by such remarks upon the claims we represent as you may deem fitting. You will perceive that, in case the General Assembly should not consider itself at liberty to afford such relief as we think the holders are equitably entitled to, we have requested of them to grant us permission to test before some competent tribunal, the questions at issue between us. We would add that the holders we represent (and of whom we are prepared to furnish a list) are almost without exception, those who were holders of the original bonds surrendered under the acts of 1846-7, and who advanced their money to the State of Indiana in her adversity, to enable her to complete the Wabash and Erie Canal, her then popular project of internal improvement.

With the highest consideration of respect,

We are sir, your obed't serv'ts,

GEORGE MOSLE,

AUGUST BELMONT,

JAMES TINKER,

A. GRACIE KING,

New York Com. representing the holders of Ind. Canal Certificates.

By A. GRACIE KING, Chairman.

The following is the memorial of the holders of Certificates of stock of the Wabash and Erie Canal, issued by the State of Indiana:

To the General Assembly of the State of Indiana:

The undersigned committees, representing the holders, both foreign and domestic, of the stock of the State of Indiana, secured by a lien on the Wabash and Erie Canal, are instructed to ask your attention to the provisions of the acts under which the certificates were issued, to the present condition of the security, and of the stock for which it was placed in trust, with the view of obtaining from you such relief as in justice and equity the bond-holders may be entitled to.

The preamble to the act of 1846 is to the following effect:

“WHEREAS, Honor and justice alike require that such equitable provision should be speedily made for the discharge of the pecuniary obligations of the State as shall be just and acceptable to its creditors, honorable to the people of Indiana, and at the same time within the ability of the State, without further involving the people in a general debt; AND WHEREAS, an arrangement, based upon a moderate system of taxation, and completion of the Wabash and Erie

Canal to Evansville, it is believed will secure the objects aforesaid; AND WHEREAS, in order to insure so desirable a result, a large portion of our bond-holders have manifested a willingness to aid in the completion of said canal, within the ensuing four years, to the Ohio River; AND WHEREAS, this proposition embraces, as a general arrangement, the payment, by taxation, of two-and-a-half per cent. on the unprovided public debt of the State, and a reliance for the remaining two-and-a-half per cent. on the lands, tolls, and water rents of said Wabash and Erie Canal (after paying expenses of construction and repairs,) thereby greatly relieving the people of Indiana from burdensome taxation, and virtually discharging them from any liability for the said remaining interest, and looking alone to the said canal, its tolls and other revenues, for half the interest on said entire public debt; AND WHEREAS, there is reason to believe that the plan embraced in the following provisions is entirely within the means of the State successfully to accomplish—that it will be acceptable to our creditors—honorable to the people represented by this General Assembly, and will add to the wealth, prosperity and advancement of Indiana: Therefore, BE IT ENACTED,” etc., etc.

The act of 1846 in its enacting clauses embodied the basis on which it was proposed to adjust the debt, viz., by dividing the interest only, as set forth in the preamble, one-half to be paid by taxation, and one-half by the canal tolls, revenues, etc. By the 32d section of the same act, the State reserved, however, the option of dividing the principal, also, by calling in, at her pleasure, the certificates which were to be first issued under the 1st section of the act, and issuing, in lieu thereof, two certificates for the principal, one chargeable on taxation and the other chargeable on the canal, its tolls, revenues, etc.

This option was exercised in the first section of the supplementary act of 1847, and the certificates were then issued in the form in which they now exist; as the bond-holders, by this provision of the act (sec. 32,) were to look to the canal, its tolls and revenues exclusively as a security for the payment of the one-half of both principal and interest of the original debt, they required more specific guarantees and covenants for the protection of the security thus provided than were contained in the act of 1846. Hence, for this purpose and also to supply other deficiencies in that act, the act of 1847 was passed, which contains, among others, the following sections, viz.:

Section 14, act of 1847, declares that "in order to demonstrate the good faith of Indiana, and for the removal of all doubts, and with a view to create general confidence in the arrangements made by the State for the liquidation of its debts, be it enacted, that the tolls, revenues and profits of the said canal and its appurtenances, present and future, etc., etc., shall remain and be inviolate and in full force; and the payment of the principal moneys and the interest on the certificates and stock intended to be created pursuant to the said act and this act, and all the certificates and evidences of the title thereof, respectively, shall be and continue effectual and inviolate by the means aforesaid, until the objects and purposes of the said act, and of this present act, shall be fully accomplished."

Section 22 declares: "The debt which it is the object of the trust created by the said recited act (as amended by this act) to liquidate, as in the said act is mentioned, having been contracted under the authority of the State of Indiana, and for the service of the people of that State, and it being desirable, as well for the credit of the State, as also to establish confidence in the public in general, and the subscribers in particular [meaning the subscribers to the advance for the completion of the canal to Evansville,] to secure the utmost punctuality in the fulfillment of the objects of the said trust, it is hereby declared, that the tolls and revenues of the said canal, present and future, and the lands and lots so conveyed or intended to be conveyed, as hereinbefore mentioned, and the proceeds thereof, when sold, shall be, and the same are hereby specially pledged, to form a distinct and particular fund for the redemption of the stock and certificates to be issued in pursuance of the said recited act and of this act; and the said State shall not direct or permit any appropriation to be made of such tolls and revenues, lands and proceeds, or any of them, for the general purposes of the State, or otherwise howsoever, other than, and except for the purposes of the said trust, as directed by the said act (as amended by this act,) until the said stock and certificates, and all interest thereon, shall have been fully paid and satisfied out of the tolls and revenues of the said canal, or the State shall have redeemed said stock and certificates by the payment of the principal thereof; the right of doing which, after twenty years, from the nineteenth day of January, 1846, is hereby reserved by the State, as provided in the act to which this is an amendment."

These were positive and comprehensive covenants, not only restraining the State from every kind and degree of interference with

the present and prospective revenues of the canal, which were the sole security and reliance of the creditors, but imposing upon it also the most sacred obligations to maintain that security and reliance, unchanged in character and unimpaired in value, until their debt was paid.

They were assurances and pledges of good faith by the State of Indiana to her creditors, *which constituted the very essence of the contract*, which were required by the nature of that security, and were expressly designed to establish the confidence of the bondholders in particular and the public in general in the arrangement, and to induce the former to believe that they would be justified in surrendering their bonds, taking in lieu thereof the new securities, and in advancing large sums of money for the prompt and effective completion of the canal.

All these provisions were evidently inserted, not only to demonstrate the good faith with which the State of Indiana intended to provide for the full and complete payment of her existing indebtedness, principal and interest, but also to assure her creditors that if they complied (as they have done) with their part of the contract, she, on her part, would neither do, permit, nor suffer any act tending to diminish, divert or interfere with the tolls, revenues, etc., of the canal.

The subsequent enactment of a general Railroad Law, which enabled competing lines of railroads to destroy the revenues of the canal, has interfered with and absolutely prevented the carrying into effect the provisions of the bill of 1846'-47, and the holders of the canal certificates, by no fault of their own, have been deprived of the security which the State had set apart for their benefit. And although they have received from the State payment of one-half of the debt originally held by them in 1847, they have yet on hand, practically valueless, one-half of the said original debt, with accrued interest unpaid, unprotected, and unprovided for.

The claim, therefore, of the bond-holders is predicated on this breach of faith on the part of the State, whereby the security pledged for the payment of their debt, and on which they relied, was destroyed. They also claim that, if the State has violated that proviso of section 8 of the Act of 1847, which declares "that the State will make no provision whatever hereafter to pay either principal or interest on any internal improvement bond or bonds until the holder or holders thereof shall have first surrendered said bonds to the Agent of State, and shall have received, in lieu thereof,

certificates of stock, as provided in the first section of this act, anything in this act to the contrary notwithstanding," by the payment of any of the internal improvement bonds then outstanding, principal and interest, that in law and equity she is bound to do equal justice to all other of the creditors.

In submitting this brief memorial, we declare our conviction that the time has arrived for a full and fair understanding of the claims of the canal certificate holders, and how far they are entitled to consideration and recognition. While those we represent have no doubt that they have a just claim against the State of Indiana for the payment of these certificates, with arrears of interest, according to the terms of the act, we are aware that a portion of the people of your State entertain an opposite view, and consider that the Wabash and Erie Canal was taken by the bond-holders in full payment of one-half of the old State bonds, issued from 1832 to 1839. This interpretation, however, we do not consent to. We regard it as utterly repugnant to the plain letter of the acts. In order, therefore, to remove all doubts on this point, and to prove to your honorable body and to your constituents that the bond-holders desire nothing from you but what they are justly entitled to, and, anxious as we are to dispose of this entire question on the highest ground of justice to the State, her people, and the claimants, we respectfully ask that, if you are not willing to grant the relief asked for, your honorable body will consent to submit the question of the State's liability in the premises, and the stock-holders' rights, to such judicial tribunal as your honorable body may select, and by whose decision we are willing to abide.

All of which is respectfully submitted.

NEW YORK, December, 1870.

For Messrs. DENT, PALMER & Co.,
 For Messrs. N. M. ROTHSCHILD & SONS,
 For Messrs. BARING, BROTHERS & Co.,
 For Messrs. FREDERICK HUTH & Co.,

London Com., representing the holders of Ind. Canal Certificates.

For Estate of GEORGE PEABODY.

GEORGE MOSLE,
 AUGUST BELMONT,
 JAMES TINKER,
 A. GRACIE KING,

New York Com., representing the holders of Ind. Canal Certificates.

Mr. Scott moved that the message of the Governor be referred to the committee on the judiciary.

Mr. Hughes moved to amend by referring the same to the committee on internal improvements.

It was not agreed to.

The question recurring on the motion by Mr. Scott.

Messrs. Brown and Hughes demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Fosdick,	Martindale,
Armstrong,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Sarninghausen,
Carnahan,	Hamilton,	Scott,
Case,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wadge—26.
Dwiggins,		

Those who voted in the negative were, Messrs.

Alsop,	Dougherty,	Johnson,
Beggs,	Elliott,	Keigwin,
Bradley,	Francisco,	Morgan,
Brown,	Glessner,	Rosebrough,
Cave,	Gregg,	Straud,
Denbo,	Henderson,	Williams—22.
Dittemore,	Hughes,	

So the motion to refer to the committee on the judiciary prevailed.

Message from the House by Mr. Holmes, clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following joint resolution to wit:

Resolved, By the House of Representatives, the Senate concurring

therein, that there be printed in pamphlet form, eight thousand copies of His Excellency, Governor Baker's message. Fifteen hundred copies whereof shall be printed in the German language. The one thousand copies of the same message shall be delivered to the Governor for his own use, and the remainder be distributed *pro rata* to the members of the General Assembly for circulation, and that there be printed with said message, the letter of the Governor to Messrs. Hendricks, Hord, and Hendricks, on the subject of certain internal improvement bonds, and their able reply to the same. In which, the Senate is respectfully asked to concur.

The President laid before the Senate the following communication :

ROOMS OF YOUNG MEN'S CHRISTIAN ASSOCIATION.

INDIANAPOLIS, January 10, 1871.

HON. WILL CUMBACK :

DEAR SIR: Inasmuch as it has not been customary for the Senate to employ a regular chaplain, the ministers of this city will very willingly perform the duties usually devolving upon such officer without expense to the State. If it is desired, I will see that a minister is present at the opening of each daily session.

Yours truly,

JNO. B. BRANDT,
Superintendent and City Missionary.

Mr. Hooper moved that the proposition of the Y. M. C. A. be accepted.

It was agreed to.

Message from the House by Mr. Holmes, the clerk thereof:

MR. PRESIDENT:

I am directed by the House, to invite the Senate to meet the House in joint convention at 2½ o'clock P. M., of this day, for the purpose of electing a State Printer, Agent of State, Trustee of the Wabash and Erie Canal, Directors of the State Prisons, and Trustees of the several Benevolent Institutions of the State.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House
S. J.—7

has passed the following joint resolution, in which the Senate is respectfully asked to concur:

A joint resolution instructing the Senators and requesting the Representatives in Congress to endeavor to obtain an appropriation from Congress for the improvement of the navigation of the Wabash river.

The President laid before the Senate certain papers in relation to the contest between Messrs. Bird and Sarninghausen, for a seat in this body.

Which was referred to the committee on elections.

Mr. Brown presented a petition from Rev. Walter Benton, in relation to the placing of Bibles in jails for the use of inmates.

Mr. Glessner from a select committee made the following report:

MR. PRESIDENT:

The committee to revise the standing rules of the Senate respectfully submit the following report:

Adopt the standing rules of the Senate, special session 1869; with the amendments, to wit:

Strike out the word "two" in second line, rule first, and insert the word ten; and strike out "afternoon" in the same line and insert forenoon; also strike out the residue of said line together with all of the third line of said rule.

Strike out all after the word House in the sixth rule.

Strike out the word "twenty-eight" in first line of eighth rule, and insert thirty-one, and add the words "by the Senate" immediately after the word "appointed," in same rule; also strike out the words "House of Refuge," after the words "twenty-eight" on page seven under same rule, and insert "Reformatory Institutions," and also the following words:

Twenty-nine—on Emigration.

Thirty—on Insurance.

Thirty-one—on Railroads.

Insert after the last word of rule 21, the following:

Indorsed by the Senator introducing it, and the name of the author announced by the Secretary before reading.

And the committee respectfully ask that this report be concurred in.

Mr. Hughes offered the following amendment:

Strike out rule seventeen, and insert in lieu thereof, rule of the House of Representatives on the same subject.

Mr. Dwiggins moved that the report and amendment lie on the table, and be made the special order for Friday next, at 3 o'clock.¹

It was agreed to.

Mr. Williams of Knox, from a special committee, made the following report:

MR. PRESIDENT:

The committee to whom was referred the resolution in relation to stationery for the use of the Senate, beg leave to make the following report. The committee recommend the adoption of the following:

Resolved, That the State Librarian be authorized to furnish stationery for the use of the Senate as follows to wit:

That the Principal Secretary of the Senate be authorized to draw such stationery from the Librarian as may be necessary for his use as Secretary of the Senate.

That the Assistant Secretary be authorized to draw stationery for his use as Assistant Secretary of the Senate.

That the President of the Senate, and each Senator be authorized to draw from the State Librarian such stationery and stamps as may be actually required by them, not exceeding in amount twenty dollars for each Senator.

Mr. Glessner moved to concur in the report.

Which was agreed to.

Mr. Hughes offered the following resolution:

Resolved, That the Doorkeeper be and he is hereby authorized and directed to provide such committee rooms in some convenient locality, near the Capitol as may be necessary, for the use and occupation of the committees of this body.

Mr. Martindale moved the adoption of the resolution.

Which was agreed to.

The hour having arrived for the meeting of the joint convention, the Senate repaired to the Hall of the House of Representatives.

The Hon. Will Cumbaek, President of the Senate, took the chair, and called the joint convention to order.

Mr. Denbo moved a call of the Senate.

Which was agreed to.

Those who answered to their names were, Messrs.

Alsop,	Dwiggins,	Johnson,
Andrews,	Elliott,	Keigwin,
Armstrong,	Fosdick,	Lasselle,
Beardsley,	Francisco,	Martindale,
Beeson,	Fuller,	Miller,
Beggs,	Glessner,	Morgan,
Bobo,	Gray,	Robinson,
Bradley,	Green,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Hadley,	Scott,
Case,	Hamilton,	Steele,
Cave,	Henderson,	Straud,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Denbo,	Hubbard,	Williams,
Dittemore,	Hughes,	Wood—49.
Dougherty,		

Forty-nine Senators answering to their names, the further proceeding under the call was dispensed with.

On motion,

A call of the House was had.

Those who answered to their names were, Messrs.

Abbett,	Beeler,	Britton,
Ballinger,	Biggs,	Browning,

Barnaby,	Hendry,	Rice,
Bruner,	Hill,	Ruddell,
Butterworth,	Holland,	Sabin,
Caldwell,	Hooker,	Sansberry,
Calkins of Fulton,	Hynes,	Sayers,
Calkins of Porter,	Kennedy,	Schoeneman,
Cauthorn,	King,	Simpson,
Coggsweil,	Kirkpatrick,	Shutt,
Conner,	Knight,	Snodgrass,
Copner,	Lines,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	Major,	Stephenson,
Curtis,	Martin of Wayne,	St. John,
Defrees,	Martin of Putnam,	Stone,
Deputy,	McDonald,	Strickland,
Devol,	McDowell,	Tarlton,
Donham,	McFarland,	Taughinbaugh,
Friedley,	McGowan,	Taylor,
Furnas,	Minick,	Tebbs,
Galentine,	Miles,	Walker,
Gentry,	Millikan,	Washburn,
Goble,	Mitchell,	Warrum,
Gordon of Boone,	Monroe,	Weekly,
Gordon of Cass,	Montgomery,	Williams,
Guthrie,	Myers,	White,
Hardin,	Neff,	Wilson,
Hartley,	Netherton,	Wymer,
Hawley,	Oatley,	Wood,
Haynes,	Rawles,	Woodward,
Heilman,	Ray,	Zenor,
Henderson,	Rhodes,	Mr. Speaker—99.

By consent, the further proceedings under the call was dispensed with.

On motion,
The joint convention proceeded to the election of State officers.

STATE PRINTER.

Senator Brown put in nomination for that office, Mr. R. J. Bright.

Mr. St. John put in nomination for that office Mr. L. W. Hasselman.

The clerk proceeded to call the roll.

On the part of the Senate, those who voted for Mr. Bright were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Straud,
Cave,	Hughes,	Williams—25.
Denbo,		

On the part of the House, those who voted for Mr. Bright, were Messrs.

Abbett,	Guthrie,	Neff,
Britton,	Hardin,	Oatley,
Browning,	Hartley,	Ray,
Barnaby,	Hawley,	Rice,
Bruner,	Haynes,	Robertson,
Caldwell,	Henderson,	Sansberry,
Cauthorn,	Hendry,	Simpson,
Coggsell,	Holland,	Shutt,
Copner,	Hynes,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	McDonald,	Tarlton,
Curtis,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Walker,
Gallentine,	Minick,	Warrum,
Gentry,	Miles,	Zenor, and
Goble,	Mitchell,	Mr. Speaker—53.
Gordon of Cass,	Montgomery,	

On the part of the Senate, those who voted for Mr. L. W. Hasselman were, Messrs.

Andrews,	Beeson,	Caven,
Beardsley,	Case,	Collett,

Dwiggins,	Hamilton,	Robinson,
Elliott,	Hess,	Scott,
Fosdick,	Hooper,	Steele,
Gray,	Hubbard,	Taylor,
Green,	Martindale,	Wadge,
Hadley,	Miller,	Wood—24.

*On the part of the House, those who voted for Mr. L. W. Hasselman
were, Messrs.*

Ballenger,	King,	Schoenemann,
Beeler,	Kirkpatrick,	Snodgrass,
Biggs,	Knight,	Stephenson,
Butterworth,	Lines,	St. John,
Calkins of Fulton,	Major,	Stone,
Calkins of Porter,	Martin of Wayne,	Strickland,
Conner,	Millikan,	Taylor,
Defrees,	Monroe,	Washburn,
Deputy,	Myers,	Weekly,
Friedley,	Netherton,	Williams,
Furnas,	Rawles,	White,
Gordon of Boone,	Rhodes,	Wilson,
Heilman,	Ruddell,	Wymer,
Hill,	Sabin,	Wood,
Hooker,	Sayers,	Woodward—47.
Kennedy,		

On the part of the Senate,

Mr. R. J. Bright received.....25 votes.

On the part of the House,

Mr. R. J. Bright received.....53 votes.

Total number of votes for Mr. Bright.....78

On the part of the Senate,

Mr. L. W. Hasselman received.....24 votes.

On the part of the House,

Mr. L. W. Hasselman received.....47 votes.

Total number of votes for Mr. Hasselman.....71

Whole number of votes cast one hundred and forty-nine (149.)
Necessary to a choice seventy-five (75.)

Mr. Bright having received a majority of all the votes cast by the joint convention, was declared duly elected to the office of State Printer, for the term prescribed by law.

CANAL TRUSTEE.

Senator Bobo put in nomination for the office of Canal Trustee, Mr. J. V. Mitchell.

Mr. St. John put in nomination for that office, Mr. R. H. Milroy.

The clerk proceeded to call the roll.

*On the part of the Senate, those who voted for Mr. Mitchell were,
Messrs.*

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Elliott,	Lasselle,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Rosebrough,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—26.
Denbo,	Hughes,	

*On the part of the House, those who voted for Mr. Mitchell were,
Messrs.*

Abbett,	Curtis,	Haynes,
Britton,	Devol,	Henderson,
Browning,	Donham,	Hendry,
Barnaby,	Gallentine,	Holland,
Bruner,	Gentry,	Hines,
Caldwell,	Goble,	Logan,
Cauthorn,	Gordon of Cass,	Major,
Cogswell,	Guthrie,	Martin of Putnam,
Copner,	Hardin,	McDonald,
Cox,	Hartley,	DeDowell,
Cunningham,	Hawley,	McFarland,

McGowan,	Rice,	Tarleton,
Minick,	Robertson,	Taughinbaugh,
Miles,	Sansberry,	Tebbs,
Mitchell,	Simpson,	Walker,
Montgomery,	Shutt,	Warrum,
Neff,	Stanley,	Zenor, and
Oatley,	Stephens,	Mr. Speaker—54.
Ray,		

*On the part of the Senate, those who voted for Mr. Milroy were,
Messrs.*

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Case,	Hamilton,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Dwiggins,	Hubbard,	Wood—23.
Fosdick,	Martindale,	

*On the part of the House, those who voted for Mr. R. H. Milroy
were, Messrs.*

Ballenger,	Kennedy,	Schoenemann,
Beeler,	King,	Snodgrass,
Biggs,	Kirkpatrick,	Stephenson,
Butterworth,	Knight,	St. John,
Calkins of Fulton,	Lines,	Stone,
Calkins of Porter,	Martin of Wayne,	Strickland,
Conner,	Millikan,	Taylor,
Defrees,	Monroe,	Washburn,
Deputy,	Myers,	Weakly,
Friedly,	Netherton,	Williams,
Furnas,	Rawles,	White,
Gordon of Boone,	Rhodes,	Wilson,
Heilman,	Ruddell,	Wymer,
Hill,	Sabin,	Wood,
Hooker,	Sayers,	Woodward—46.

On the part of the Senate,
Mr. Mitchel received.....26 votes.

On the part of the House,
Mr. J. B. Mitchel received..... 54 votes.

Whole number of votes cast for Mr. Mitchel.....80

On the part of the Senate,
Mr. R. H. Milroy received.....23 votes.

On the part of the House,
Mr. Milroy received.....46 votes.

Whole number of votes cast for Mr. Milroy.....69

Whole number of votes cast, one hundred and forty-nine (149.)

Necessary to a choice seventy-five.

Mr. J. B. Mitchel having received a majority of all the votes cast by the joint convention, was declared duly elected to the office of Canal Trustee.

STATE LIBRARIAN.

Mr. Tebbs put in nomination for State Librarian, Mr. James De Sanno.

Mr. St. John put in nomination for that office, Mr. Moses McLain.

The Clerk proceeded to call the roll.

Those who voted for Mr. James DeSanno on the part of the Senate were,
Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Strand,
Cave,	Hughes,	Williams—25.
Denbo,		

*Those who voted for Mr. James DeSanno, on the part of the House were,
Messrs.*

Abbett,	Guthrie,	Neff,
Britton,	Hardin,	Oatley,
Browning,	Hartley,	Ray,
Barnaby,	Hawley,	Rice,
Bruner,	Haynes,	Robertson,
Caldwell,	Henderson,	Sansberry,
Cauthorn,	Hendry,	Simpson,
Coggsell,	Holland,	Shutt,
Copner,	Hynes,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	McDonald,	Tarleton,
Curtis,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Walker,
Gallentine,	Miniek,	Warrum,
Gentry,	Miles,	Zenor,
Goble,	Mitchell,	Mr. Speaker—53.
Gordon of Cass,	Montgomery,	.

*Those who voted for Mr. Moses McLain, on the part of the Senate
were, Messrs.*

Andrews,	Fosdick,	Martindale,
Beardsley,	Gray,	Miller,
Beeson,	Green,	Robinson,
Case,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—24.

*Those who voted for Mr. Moses McLain, on the part of the House
were, Messrs.*

Ballenger,	Calkins of Fulton,	Defrees,
Beeler,	Calkins of Porter,	Friedley,
Biggs,	Conner,	Furnas,
Butterworth,	Deputy,	Gordon of Boone,

Heilman,	Monroe,	Stone,
Hill,	Myers,	Strickland,
Hooker,	Netherton,	Taylor,
Kennedy,	Rawles,	Washburn,
King,	Rhodes,	Weekly,
Kirkpatrick,	Ruddell,	Williams,
Knight,	Sabin,	White,
Lines,	Sayers,	Wilson,
Major,	Schoenemann,	Wymer,
Martin of Wayne,	Snodgrass,	Wood,
Martin of Putnam,	Stephenson,	Woodward—47.
Millikan,	St. John,	

On the part of the Senate,
Mr. DeSanno received.....25 votes.

On the part of the House,
Mr. DeSanno received.....53 votes.

Total number of votes for Mr. DeSanno.....78

On the part of the Senate,
Mr. McLain received.....24 votes.

On the part of the House,
Mr. McLain received.....47 votes.

Total number of votes for Mr. McLain.....71

Whole number of votes cast, one hundred and forty-nine (149.)

Necessary to a choice seventy-five (75.)

Mr. DeSanno having received a majority of all the votes cast, was declared duly elected to the office of State Librarian for the term prescribed by law.

Senator Brown moved that the convention proceed to the election of a successor to Mr. Meredith of the Southern Prison.

It was agreed to.

PRISON DIRECTORS SOUTH.

Mr. Brown of the Senate, put in nomination Mr. Sparks, for successor to Mr. Meredith.

Mr. St. John put in nomination for that office, Mr. Clark.

The Clerk proceeded to call the roll.

Those who voted for Mr. Levi Sparks, on the part of the Senate were,
Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Straud,
Cave,	Hughes,	Williams—25.
Denbo,		

Those who voted for Mr. Levi Sparks, on the part of the House were,
Messrs.

Abbott,	Guthrie,	Neff,
Britton,	Hardin,	Oatley,
Browning,	Hartley,	Ray,
Barnaby,	Hawley,	Rice,
Bruner,	Haynes,	Robertson,
Caldwell,	Henderson,	Sansberry,
Cauthorn,	Hendry,	Simpson,
Cogswell,	Holland,	Schutt,
Copner,	Hynes,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	McDonald,	Tarlton,
Curtis,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Walker,
Gallentine,	Minick,	Warrum,
Gentry,	Miles,	Zenor, and
Goble,	Mitchell,	Mr. Speaker—53.
Gordon of Cass.	Montgomery,	

Those who voted for Mr. Clark, on the part of the Senate were, Messrs.

Andrews,	Beardsley,	Beeson,
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Case,	Green,	Miller,
Caven,	Hadley,	Robinson,
Collett,	Hamilton,	Scott,
Dwiggins,	Hess,	Steele,
Elliott,	Hooper,	Taylor,
Fosdick,	Hubbard,	Wadge,
Gray,	Martindale,	Wood—24.

Those who voted for Mr. Clark, on the part of the House were, Messrs.

Ballinger,	King,	Schoenemann,
Beeler,	Kirkpatrick,	Snodgrass,
Biggs,	Knight,	Stephenson,
Butterworth,	Lines,	St. John,
Calkins of Fulton,	Major,	Stone,
Calkins of Porter,	Martin of Wayne,	Strickland,
Conner,	Martin of Putnam,	Taylor,
Defrees,	Millikan,	Washburn,
Deputy,	Monroe,	Weekly,
Friedly,	Myers,	Williams,
Furnas,	Netherton,	White,
Gordon of Boone,	Rawles,	Wilson,
Heilman,	Rhodes,	Wymer,
Hill,	Ruddell,	Wood,
Hooker,	Sabin,	Woodward—47.
Kennedy,	Sayers,	

On the part of the Senate,

Mr. Levi Sparks received.....	25 votes.
On the part of the House.....	53 votes.

Total number of votes for Mr. Sparks..... 78

On the part of the Senate,

Mr. Clark received.....	24 votes.
On the part of the House.....	47 votes.

Total number of votes for Mr. Clark.....71

Whole number of votes cast one hundred and forty-nine (149.)

Necessary to a choice seventy-five (75.)

Mr. Sparks having received a majority of all the votes cast was

declared duly elected to the office of Prison Director South, for the term specified by law.

Mr. Brown moved that the joint convention proceed to the election of a Trustee for the Southern Prison, in the place of Mr. Gee.

Whereupon Senator Greene offered the following:

WHEREAS, By the act of February 5th, 1857, an act to provide for the government of the State Prison, etc., provides in section 2, There shall be elected by the General Assembly of the State of Indiana, at the present session thereof, three Directors of the State Prison, one of whom shall hold his office for two years, and two of whom shall hold their offices for four years from and after their election as aforesaid and until their respective successors shall be elected or appointed, and qualified. After the first election of directors as aforesaid as the term of office of any director shall expire, his successor shall be elected in like manner for the term of four years and until his successor shall be elected or appointed and qualified.

AND WHEREAS, At the last regular session of this General Assembly W. M. Curry, was duly elected for the term of four years, and at the special session afterwards Robert S. Heiskell, was duly elected also a director. Therefore be it

Resolved, That in the opinion of this convention, but one vacancy now exists to be filled at this time.

The question being on the adoption of the resolution.

It was not agreed to.

Mr. Simpson put in nomination for Prison Director, South, to fill the place now occupied by Mr. Gee, Mr. John Kirk.

The Clerk proceeded to call the roll.

On the part of the Senate, those who voted for Mr. John Kirk were,
Messrs.

Alsop,	Bradley,	Denbo,
Armstrong,	Brown,	Dittemore,
Beggs,	Carnahan,	Francisco,
Bobo,	Cave,	Fuller,

Glessner,	Johnson,	Rosebrough,
Gregg,	Keigwin,	Sarninghausen,
Dougherty,	Lasselle,	Strand,
Henderson,	Morgan,	Williams—25.
Hughes,		

On the part of the House, those who voted for John Kirk were, Messrs.

Abbett,	Gordon of Cass,	Mitchell,
Britton,	Guthrie,	Montgomery,
Browning,	Hardin,	Neff,
Barnaby,	Hartley,	Oatley,
Bruner,	Hawley,	Rice,
Caldwell,	Haynes,	Simpson,
Cauthorn,	Henderson,	Shutt,
Cogswell,	Hendry,	Stanley,
Copner,	Holland,	Stephens,
Cox,	Hynes,	Tarlton,
Cunningham,	Logan,	Taughinbaugh,
Curtis,	McDonald,	Tebbs,
Devol,	McDowell,	Walker,
Donham,	McFarland,	Warrum,
Gallentine,	McGowan,	Zenor,
Gentry,	Minick,	Mr. Speaker—50.
Goble,	Miles,	

On the part of the Senate present, and not voting were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Elliott,	Hooper,	Wood—23.
Fosdick,	Martindale,	

On the part of the House present and not voting were, Messrs.

Ballenger,	Butterworth,	Conner,
Beeler,	Calkins of Fulton,	Defrees,
Biggs,	Calkins of Porter,	Deputy,

Friedley,	Millikan,	Stephenson,
Furnas,	Monroe,	St. John,
Gordon of Boone,	Myers,	Stone,
Heilman,	Netherton,	Strickland,
Hill,	Rawles,	Taylor,
Kennedy,	Rhodes,	Washburn,
King,	Robertson,	Weekly,
Kirkpatrick,	Ruddell,	Williams,
Knight,	Sabin,	White,
Lines,	Sansberry,	Wilson,
Major,	Sayers,	Wymer,
Martin of Wayne,	Schoeneman,	Wood,
Martin of Putnam,	Snodgrass,	Woodward—47.

On the part of the Senate,

Mr. John Kirk received.....25 votes.

On the part of the House.....50 votes.

Total number of votes cast for Mr. Kirk.....75

On the part of the Senate,

Declining to vote.....23

On the part of the House,

Declining to vote.....47

Total number declining to vote.....70

Mr. Kirk having received the whole number of votes cast, was declared duly elected Prison Director, South, provided there be a vacancy.

Mr. Hughes put in nomination Mr. Edward Price, to fill the place now occupied by Mr. Curry.

Those who voted for Mr. Price, on the part of the Senate were, Messrs.

Alsop,	Carnahan,	Fuller,
Armstrong,	Cave,	Glessner,
Biggs,	Denbo,	Gregg,
Bobo,	Dittemore,	Henderson,
Bradley,	Dougherty,	Hughes,
Brown,	Francisco,	Johnson,

Keigwin,	Rosebrough,	Straud,
Lasselle,	Sarninghausen,	Williams—25
Morgan,		

On the part of the House, those who voted for Mr. Price were, Messrs.

Abbett,	Brunner,	Copner,
Britton,	Caldwell,	Cox,
Browning,	Cauthorn,	Cunningham,
Barnaby,	Coggsweil,	Curtis,
Devol,	Hynes,	Rice,
Donham,	Logan,	Simpson,
Gallentine,	McDonald,	Shutt,
Gentry,	McDowell,	Stanley,
Goble,	McFarland,	Stephens,
Gordon of Cass,	McGowan,	Tarlton,
Guthrie,	Minick,	Taughinbaugh,
Hardin,	Miles,	Tebbs,
Hartley,	Mitchell,	Walker,
Hawley,	Montgomery,	Warrum,
Haynes,	Neff,	Zenor,
Hendry,	Oatley,	Mr. Speaker—50.
Holland,		

The following Senators present and declining to vote were, Messrs.

Andrews,	Fosdick,	Martindale,
Beardsley,	Gray,	Miller,
Beeson,	Green,	Robinson,
Case,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—24.

On the part of the House present and not voting were, Messrs.

Ballinger.	Calkins of Porter,	Furnas,
Beeler,	Conner,	Gordon of Boone,
Biggs,	Defrees,	Heilman,
Butterworth,	Deputy,	Henderson,
Calkins of Fulton,	Friedley,	Hill,

Hooker,	Netherton,	St. John,
Kennedy,	Rawles,	Stone,
King,	Ray,	Strickland,
Kirkpatrick,	Rhodes,	Taylor,
Knight,	Robertson,	Washburn,
Lines,	Ruddell,	Weekly,
Major,	Sabin,	Williams,
Martin of Wayne,	Sansberry,	White,
Martin of Putnam,	Sayers,	Wilson,
Millikan,	Schoeneman,	Wymer,
Monroe,	Snodgrass,	Wood,
Myers,	Stephenson,	Woodward—47.

On the part of the Senate,

Mr. Rice received.....25 votes.

On the part of the House.....53 votes.

—
Total number of votes for Mr. Rice.....78

On the part of the Senate,

Declining to vote.....24

On the part of the House,

Declining to vote.....47

—
Total number declining to vote.....71

Total number of votes cast for Mr. Price 75.

Necessary to a choice 75.

Mr. Price having received the whole number of votes cast was declared duly elected as Prison Director South. *Provided*, there be a vacancy.

Mr. McDonald put in nomination for Prison Directors North, Messrs. Gotthilf Black, James J. Smiley and Willis Loughridge.

Mr. St. John put in nomination for Prison Directors North, Messrs. Willis Blanch, Isaac Hart, A. B. Hamrick.

On the part of the Senate, those who voted for Messrs. Black, Smiley, and Loughridge were, Messrs.

Alsop,	Biggs,	Bradley,
Armstrong,	Bobo,	Brown,

Carnahan,	Glessner,	Lasselle,
Cave,	Gregg,	Morgan,
Denbo,	Henderson,	Rosebrough,
Dittemore,	Hughes,	Sarninghausen,
Dougherty,	Johnson,	Straud,
Francisco,	Keigwin,	Williams—25.
Fuller,		

On the part of the House, those who voted for Messrs. Smiley, Block and Loughridge were, Messrs.

Abbett,	Guthrie,	Montgomery,
Britton,	Hardin,	Neff,
Browning,	Hartley,	Oatley,
Barnaby,	Hawley,	Ray,
Bruner,	Haynes,	Rice,
Caldwell,	Hendry,	Sansbury,
Canthorn,	Henderson,	Simpson,
Cogswell,	Holland,	Shutt,
Copner,	Hynes,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	McDonald,	Tarlton,
Curtis,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Tebbs,
Donham,	McGowen,	Walker,
Gallentine,	Minick,	Warrum,
Gentry,	Miles,	Zenor, and
Goble,	Mitchell,	Mr. Speaker—52.
Gordon of Cass,		

On the part of the Senate, those who voted for Messrs. Hart, Blanche and Hamrick were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Case,	Hamilton,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Dwiggins,	Hubbard,	Wood—23.
Fosdick,	Martindale,	

On the part of the House, those who voted for Messrs. Hart, Blanche, and Hamrick were, Messrs.

Ballenger,	King,	Schoeneman,
Beeler,	Kirkpatrick,	Snodgrass,
Briggs,	Knight,	Stephenson,
Butterworth,	Lines,	St. John,
Calkins of Fulton,	Major,	Stone,
Calkins of Porter,	Martin of Wayne,	Strickland,
Conner,	Martin of Putnam,	Taylor,
Defrees,	Millikan,	Washburn,
Deputy,	Monroe,	Weekly,
Friedley,	Myers,	Williams,
Furnas,	Netherton,	White,
Gordon of Boone,	Rawles,	Wilson,
Heilman,	Rhodes,	Wymer,
Hill,	Ruddell,	Wood,
Hooker,	Sabin,	Woodward—47.
Kennedy,	Sayers,	

On the part of the Senate,

Messrs. Block, Smiley, and Loughridge received.....25 votes.

On the part of the House,

Messrs. Block, and Loughridge received.....52 votes.

And Mr. Smiley received.....53 votes.

On the part of the Senate,

Messrs. Hart, Blanche, and Hamrick received.....23 votes.

On the part of the House,

Messrs. Hart, and Hamrick received.....47 votes.

And Mr. Blanche.....46 votes.

Messrs. Block, Smiley, and Loughridge having received a majority of all the votes cast, was declared duly elected as Prison Directors, North, for the term prescribed by law.

Mr. Neff put in nomination for Trustee for the Soldiers' Home at Knightstown, in place of Mr. Hubbard, Mr. Ellison Williams.

Mr. Stone nominated Mr. Hubbard for that office.

Those who voted for Mr. Williams on the part of the Senate were,
Messrs.

Alsop,	Dittimore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—24.

Those who voted for Mr. Williams on the part of the House, were,
Messrs.

Abbett,	Guthrie,	Montgomery,
Britton,	Hardin,	Neff,
Browning,	Hartley,	Oatley,
Barnaby,	Hawley,	Ray,
Bruner,	Haynes,	Rice,
Caldwell,	Henderson,	Sansberry,
Cauthorn,	Hendry,	Simpson,
Coggsell,	Holland,	Shutt,
Copner,	Hynes,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	McDonald,	Tarlton,
Curtis,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Walker,
Gallentine,	Minick,	Warrum,
Gentry,	Millikan,	Zenor,
Goble,	Mitchell,	Mr. Speaker—52.
Gordon of Cass,		

Those who voted for Mr. Hubbard on the part of the Senate were,
Messrs.

Andrews,	Dwiggins,	Hamilton,
Beardsley,	Fosdick,	Hess,
Beeson,	Gray,	Hooper,
Caven,	Green,	Martindale,
Collett,	Hadley,	Miller,

Robinson,	Steele,	Wadge,
Scott,	Taylor,	Wood—21.

*Those who voted for Mr. Hubbard, on the part of the House were,
Messrs.*

Ballenger,	King,	Schoeneman,
Beeler,	Kirkpatrick,	Snodgrass,
Biggs,	Knight,	Stephenson,
Butterworth,	Lines,	St. John,
Calkins of Fulton,	Major,	Stone,
Calkins of Porter.	Martin of Wayne,	Strickland,
Defrees,	Martin of Putnam,	Taylor,
Deputy,	Monroe,	Washburn,
Friedley,	Myers,	Weekly,
Furnas,	Netherton,	Williams,
Gordon of Boone,	Rawles,	White,
Heilman,	Rhodes,	Wilson,
Hill,	Ruddell,	Wymer,
Hooker,	Sabin,	Wood,
Kennedy,	Sayers,	Woodward—45.

On the part of the Senate,

Mr. Williams received.....24 votes.

On the part of the House.....52 votes.

—

Total number of votes cast for Mr. Williams.....76

On the part of the Senate,

Mr. Hubbard received.....21 votes.

On the part of the House.....45 votes.

—

Total number of votes cast for Mr. Hubbard.....66

Whole number of votes cast, one hundred and forty-two (142.)

Necessary to a choice seventy-two.

Mr. Williams having received a majority of all the votes cast, was declared duly elected Trustee of the Soldier's Home at Knights-town.

Mr. Brown offered the following:

Resolved, That when this convention adjourns it will adjourn to meet at 3 o'clock P. M., on Wednesday, four weeks from this day for the purpose of electing an Agent of State, unless said office shall be before that time abolished by law, and in that event it will adjourn to said time, then to adjourn *sine die*.

Which was agreed to.

The business for which the joint convention had convened being concluded, the President of the Senate declared the joint convention adjourned.

Mr. Martindale moved that when the Senate adjourn, it adjourn to meet at 10 o'clock A. M. to-morrow.

Which was agreed to.

Mr. Hadley moved the Senate adjourn.

Which was agreed to.

THURSDAY MORNING.

JANUARY 12, 1871, 10 o'clock A. M.

The Secretary proceeded to read the Journal, when,

On motion by Mr. Hughes,

The further reading was dispensed with.

Mr. Taylor moved that the Senate take up House joint resolution in relation to the Wabash river.

Which was agreed to.

House Joint Resolution No. 3. A joint resolution instructing our Representatives, and requesting our Senators in Congress to endeavor to obtain an appropriation from Congress for the improvement of the navigation of the Wabash river.

Read a first time.

The question being on the passage of the resolution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Hess,
Andrews,	Dittimore,	Hooper,
Armstrong,	Dwiggins,	Hubbard,
Beardsley,	Elliott,	Hughes,
Beson,	Fosdick,	Johnson,
Beggs,	Francisco,	Keigwin,
Bobo,	Fuller,	Lasselle,
Bradley,	Glessner,	Martindale,
Carnahan,	Gray,	Miller,
Case,	Green,	Morgan,
Cave,	Gregg,	Robinson,
Caven,	Hadley,	Rosebrough,
Collett,	Hamilton,	Sarninghausen,
Denbo,	Henderson,	Scott,

Steele,
Straud,

Taylor,
Wadge,

Williams,
Wood—48.

None voting in the negative.

So the joint resolution passed.

Ordered, That the Secretary inform the House of the same.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Enrolled Bill No. 38, entitled "A bill to legalize the official acts of the Board of Trustees of the town of Gosport, Owen County, Indiana," in which the concurrence of the Senate is respectfully requested.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following joint resolution to wit:

WHEREAS, The Congress of the United States has from time to time, voted large appropriations of lands to railroad companies, and

WHEREAS, There are good reasons for believing that said corporate bodies have realized vast sums of money therefrom, and

WHEREAS, The continuation of such legislation would, before long, deprive the nation of much of the public domain; therefore

Be it resolved by the House, the Senate concurring, That our Representatives be requested, and our Senators instructed to oppose with their votes and influence any further donations of the public lands to any private corporations.

In which, the concurrence of the Senate is respectfully requested.

Mr. Dittamore offered the following resolution:

Resolved, That the Auditor of State be requested to furnish the Senate a list of all the counties in this State; that placed upon their

respective tax duplicates, the additional per cent. upon real estate as provided by the last State Board of Equalization, and also the counties that failed or refused so to do, and report without delay.

Which was agreed to.

Mr. Gray moved that the House joint resolution in reference to granting pensions to the soldiers of the war of 1812, be taken up.

It was agreed to.

House Joint Resolution No. —. A joint resolution in relation to the granting of pensions to the surviving soldiers of the war of 1812.

Which was read a first time.

The question being on the adoption of the resolution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Johnson,
Andrews,	Elliott,	Keigwin,
Armstrong,	Fosdick,	Lasselle,
Beardsley,	Francisco,	Martindale,
Beeson,	Fuller,	Miller,
Beggs,	Glessner,	Morgan,
Bobo,	Gray,	Robinson,
Bradley,	Green,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Case,	Hadley,	Scott,
Cave,	Hamilton,	Steele,
Caven,	Henderson,	Straud,
Collett,	Hess,	Taylor,
Denbo,	Hooper,	Wadge,
Dittemore,	Hubbard,	Williams,
Dougherty,	Hughes,	Wood—48.

None voting in the negative.

So the resolution passed.

Ordered, That the Secretary inform the House thereof.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Wadge presented a petition from sundry citizens of Lake county, praying for the repeal of the act, entitled "an act to authorize and encourage the construction of levees, dykes, and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former acts relating to the same subject.

Which was referred to the committee on swamp lands.

Mr. Hubbard presented a petition from sundry citizens of the county of St. Joseph, praying for the repeal of an act entitled "an act to authorize and encourage the construction of levees, dykes, and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject.

Which was referred to the committee on corporations without reading.

Mr. Denbo, by consent, offered the following resolution :

Resolved, That the committee on county and township business be, and they are hereby instructed to inquire into the propriety of abolishing the Board of County Commissioners, and that said committee be, and they are hereby requested to report by bill or otherwise, at an early day of this General Assembly.

Which resolution was not adopted.

Mr. Henderson offered the following resolution :

Be it resolved by the Senate of the State of Indiana, the House of Representatives concurring, That the two Houses shall proceed on Friday, the 13th, at 3 o'clock, by concurrent vote, to choose a trustee for Asylum for the Blind ; a trustee for the Institution for the Education of the Deaf and Dumb, and a commissioner for the Hospital for the Insane, under and in compliance with the provisions of an act approved March 5th, 1859.

Which resolution was adopted.

Mr. Fuller, by consent, offered the following resolution :

Resolved, That the committee on finance inquire what legislation

is necessary to enable the County Treasurers to collect the delinquent taxes, and report by bill or otherwise.

Which was adopted.

Mr. Dittmore, by consent, offered the following resolution :

Resolved, That the President of the Senate appoint a committee of three, on mileage and accounts.

Which resolution was adopted.

Whereupon the President announced the following committee :

Messrs. Dittmore, Wood, and Williams.

Mr. Cave offered the following resolution :

Resolved, That the Doorkeeper of the Senate be authorized to contract for, and deliver to the Lieutenant Governor and each Senator, and each elective officer of the Senate, one copy each of the daily *Sentinel*, *Journal*, and *Commercial*. Six copies each of the weekly *Sentinel*, *Journal*, *Telegraph*, and *Volksblatt*, all of said weeklies to be wrapped and stamped; *Provided*, The same will publish a correct report of the proceedings of the Legislature.

Mr. Sarninghausen moved to include the *Telegraph*.

It was agreed to.

Mr. Hughes moved to amend by saying, *Provided*, The Senate can discontinue papers at pleasure.

Which was accepted by Mr. Cave.

Mr. Dwiggins moved that the resolution lie on the table until Tuesday next.

It was not agreed to.

Mr. Martindale moved to include the *News*.

Which was agreed to.

Mr. Caven moved to include the *American*.

Which was agreed to.

The question being on the adoption of the resolution as amended.
It was agreed to.

Mr. Gregg introduced,

Senate Joint Resolution No. 4. A joint resolution giving lands to soldiers and seamen.

Mr. Hadley moved that the resolution be referred to the committee on military affairs.

It was agreed to.

Mr. Bradley, from a standing committee, made the following report:

MR. PRESIDENT :

The committee on phraseology arrangement of bills and enrolled bills, have instructed me to report that said committee has examined Enrolled Joint Resolution of the Senate No. 3, herewith reported, and found the same to be correctly enrolled.

Which was concurred in.

Mr. Beeson introduced,

Senate Bill No. 24. A bill authorizing plank, macadamized, and gravel road companies, with the concurrence of township trustees to levy a road tax in their respective districts.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Fuller introduced,

Senate Bill No. 25. A bill regulating the terms of the Circuit Courts in the Fifteenth Judicial Circuit, and making all process whatever returnable thereto, repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Green introduced,

Senate Bill No. 26. A bill to amend an act entitled "an act to

enable the owners of wet lands to drain and reclaim them where the same can not be done without affecting the lands of others, and prescribing the powers and duties of County Boards, and County Auditors in the premises, and repealing all laws inconsistent therewith." Approved March 11th, 1867, by amending the title, and by amending sections one (1,) three (3,) four (4,) six (6,) nine (9,) eleven (11,) and twelve (12); that the title of said act be, and the same is hereby amended to read as follows:

"An act to enable and encourage the owners of wet lands and marshes to drain or reclaim them, when the work necessary thereto will affect the lands of others, and prescribing the powers and duties of County Commissioners, County Auditors, and Recorders, in the premises, and repealing all laws inconsistent therewith."

Mr. Hubbard moved that two hundred (200) copies be printed for the use of the Senate.

Mr. Bradley moved to amend by saying one hundred (100) copies. Which was accepted by Mr. Hubbard.

The question being, on the motion by Mr. Hubbard.

It was agreed to.

Mr. Hubbard introduced,

Senate Bill No. 27. A bill to amend section five hundred and eighty, of an act approved June 12, 1852, and entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bradley introduced,

Senate Bill No. 28. A bill to amend an act entitled "An act to organize a Supreme Court, and specifying certain duties of the judges thereof." Approved May 13, 1852, creating an additional judge of said court, and declaring an emergency."

Read a first time, and passed to a second reading to-morrow.

Mr. Bobo introduced,

Senate Bill No. 29. A bill to provide for the holding of Roman Catholic Churches, Cemeteries, Colleges, and other property, and for conveyance of and succession thereto.

Which was read a first time, and passed to a second reading on tomorrow.

Mr. Beardsley introduced

Senate Bill No. 30. A bill supplemental to an act entitled "An act to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys and adopt, when the same have been lost or destroyed, and prescribing the duties of boards of trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency," approved April 27th, 1869.

Which was read a first time, and passed to a second reading on tomorrow.

Mr. Gray introduced

Senate Bill No. 31. A bill to provide for the payment of certain stocks and bonds of the State of Indiana therein mentioned.

Which was read a first time.

Mr. Glessner introduced

Senate Bill No. 32. A bill to fix the time of holding the Circuit Court in the Twenty-eighth Judicial Circuit, composed of the counties of Johnson, Shelby, Brown and Bartholomew, and providing for return of process, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time, and passed to a second reading on tomorrow.

Mr. Wadge introduced

Senate Bill No. 33. A bill to repeal an act entitled "An act to authorize and encourage the construction of levies, dykes and dams, and the reclamation of wet and overflowed lands by incorporated

companies and to repeal all former laws relating to the same subject which took effect without executive approval," May 22, 1869.

Which was read a first time.

Mr. Morgan introduced

Senate Bill No. 34. A bill to amend an act entitled "An act to amend the fortieth clause of section thirty (30) of an act entitled an act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 29th, 1847, and declaratory of the meaning of the second section of the same act, approved December 21st, 1865, and making supplemental sections thereto, for the government of the Water Works at Evansville, and declaring an emergency.

Which was read first time.

Mr. Steele introduced

Senate Bill No. 35. A bill to amend the 207 section of an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Denbo introduced

Senate Bill No. 36. A bill prescribing the duties of County Auditors in relation to making out and publishing the delinquent list, and fixing compensation for publishing the same.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bradley introduced

Senate Bill No. 37. A bill to amend an act entitled "An act districting the State for the purpose of electing four Judges of the S. J.—9

Supreme Court," approved February 19, 1852, and creating the Fifth District.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Martindale introduced

Senate Bill No. 38. A bill to amend an act entitled "An act to exempt property from sale in certain cases," approved February 17, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Williams introduced

Senate Bill No. 39. A bill amendatory of an act accepting the provisions of an act, of the Congress of the United States of America, entitled "An act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture, and the mechanics arts providing for the receipt, investment and management of said donation, passed March 6th, 1865; and providing for an increase of the number of trustees in the Purdue University, and the election of four members of the State Board of Agriculture, as trustees of Purdue University."

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Andrews,
The Senate adjourned.

THURSDAY AFTERNOON, 2 o'clock P. M.

The Senate met.

By unanimous consent, the order of business was continued from where it was left off at the adjournment.

Mr. Martindale introduced,

Senate Bill No. 40. A bill to amend an act entitled "An act to provide for a general system of common schools." Approved March 6th, 1865, and adding supplementary sections thereto.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Martindale introduced,

Senate Bill No. 41. A bill to amend an act entitled "An act to provide for a general system of common schools; approved March 6th, 1865, and adding supplemental sections thereto."

Which was read a first time and passed to a second reading on to-morrow.

SPECIAL ORDER.

The hour of 2½ o'clock having arrived, being the hour fixed by the Senate for the consideration of the joint resolution by Mr. Brown, in reference to the Wabash and Erie Canal.

The same was taken up.

The afternoon was consumed in the discussion of the same, by Mr. Brown, when,

On motion by Mr. Rosebrough,
The Senate adjourned.

FRIDAY AFTERNOON.

JANUARY, 13, 1871, 2 o'clock.

The Senate met.

The session was opened by prayer by Rev. Dr. Lynch.

The Secretary proceeded to read the Journal, when,

On motion by Mr. Martindale,

The further reading of the Journal was dispensed with.

Mr. Scott moved that the regular order of business be suspended, that the Senate may take up House Bill No. 32.

It was agreed to.

House Bill No. 32. A bill appropriating one hundred thousand dollars to defray the expenses of the forty-seventh session of the General Assembly.

Read a first time.

Mr. Scott moved that the Constitutional rule, requiring bills to be read on three several days, be suspended, that the bill may be read a second time now.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Gregg,
Armstrong,	Dittemore,	Hadley,
Beardsley,	Dougherty,	Hamilton,
Beeson,	Elliott,	Henderson,
Bradley,	Fosdick,	Hess,
Brown,	Francisco,	Hooper,
Carnahan,	Fuller,	Dwiggins,
Case,	Glessner,	Hubbard,
Cave,	Gray,	Johnson,
Collett,	Green,	Martindale,

Miller,	Sarninghausen,	Wadge,
Morgan,	Scott,	Williams,
Robinson,	Taylor,	Wood—40.

So the rule was suspended.

House Bill No. 32 was then read a second time.

Mr. Scott moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be put upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Hooper,
Andrews,	Elliott,	Hubbard,
Armstrong,	Fosdick,	Johnson,
Beardsley,	Francisco,	Martindale,
Brown,	Fuller,	Miller,
Beeson,	Glessner,	Morgan,
Bradley,	Gray,	Robinson,
Carnahan,	Green,	Sarninghausen,
Case,	Gregg,	Scott,
Cave,	Hadley,	Taylor,
Collett,	Hamilton,	Wadge,
Denbo,	Henderson,	Williams,
Dittemore,	Hess,	Wood—40.
Dougherty,		

So the constitutional rule was suspended.

House Bill No. 32. A bill appropriating one hundred thousand dollars, to defray the expenses of the Forty-Seventh Session of the General Assembly.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Armstrong,	Beardsley,
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Beeson,	Fosdick,	Johnson,
Bradley,	Francisco,	Keigwin,
Brown,	Fuller,	Martindale,
Carnahan,	Glessner,	Miller,
Case,	Gray,	Morgan,
Cave,	Green,	Robinson,
Caven,	Gregg,	Sarninghausen,
Collett,	Hadley,	Scott,
Denbo,	Hamilton,	Straud,
Dittemore,	Henderson,	Taylor,
Dougherty,	Hess,	Wadge,
Dwiggins,	Hooper,	Williams—42.
Elliott,	Hubbard,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

By unanimous consent of the Senate,
Mr. Williams offered the following resolution:

Resolved, That when the Senate adjourn it adjourn to meet to-morrow morning at 9 o'clock, for the purpose of introducing bills, reading bills a second time, and referring to committees; and that no other business shall be in order during the day.

Which was adopted.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled Joint Resolution of the House No. 3, and the same is herewith transmitted to the Senate for the signature of the President thereof.

The question pending on the adjournment yesterday, was the consideration of the resolution offered by Mr. Brown.

The question being on the adoption of the resolution,

Mr. Hughes offered the following amendment :

Amend the first resolution by striking out all after the word "resolved," and insert the following :

"That it is inexpedient to take any legislative action on the subject of the resumption by the State of the Wabash and Erie Canal, excepting for the purpose of submitting the matter in some appropriate form to the people of the State, and to protect the canal from sale, and its revenues from sequestration."

Amend the second resolution, by striking out at the end thereof the words, "and meets the disapproval of the General Assembly," etc., and inserting the following :

"And it is hereby declared that the Governor holds said bonds in trust for the State, and subject to the provisions of said laws; and that he is hereby authorized to surrender the same under the provisions of said laws, and to take and receive for the benefit of the State the stock or bonds to the amount of the one-half provided for in said laws, and required to report his proceedings in the premises to the General Assembly."

Amend the third resolution by striking out the word "no" in the third line of the printed copy thereof, between the words "make" and "provision," and by striking out the word "or" in the fourth line, and inserting in its place the word "and," and by striking out all after the word "bonds," so that said third resolution will read as follows :

Resolved by the Senate (the House of Representatives concurring,) That this General Assembly of the State of Indiana will make provision for the payment of the principal and interest of the Internal Revenue Bonds.

The question being on the adoption of the amendment offered by Mr. Hughes,

Mr. Brown moved that the whole matter, including the constitu-

tional amendment offered by Mr. Martindale, be postponed and made the special order for Tuesday next at 2½ o'clock.

Mr. Martindale called for a division of the question.

The question being on the postponement of the resolution by Mr. Brown, and amendments.

It was agreed to.

The question being on the postponement of the resolution by Mr. Martindale.

It was agreed to.

By unanimous consent,
Mr. Andrews introduced,

Senate Bill No. 42. A bill making an appropriation of the sum of four hundred and thirteen thousand, five hundred and ninety-nine dollars and forty-eight cents, for the payment of the claims of sufferers by the Morgan Raid.

Which was read a first time and passed to a second reading on tomorrow.

Mr. Brown moved that the judiciary committee be discharged from the consideration of the memorial, and other accompanying documents in relation to the Wabash and Erie Canal.

It was agreed to.

On motion by Mr. Williams,
It was made the special order for Tuesday next, at 2½ o'clock.

Mr. Martindale moved that the Senate take up Senate bills on second reading.

It was agreed to.

Mr. Scott asked and obtained leave of absence for Mr. Case indefinitely, on account of sickness.

Mr. Williams asked and obtained leave of absence for Mr. Alsop until Thursday.

SENATE BILLS ON SECOND READING.

Senate Bill No. 2. A bill to prevent hunting or shooting within inclosures without the consent of the owner thereof, and fixing a penalty therefor.

Read a second time by title only, and,

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

Senate Bill No. 3. A bill regulating the fees of certain officers therein named, and prescribing penalties for the violation of its provisions.

Was read a second time by title only, and,

On motion,

Referred to the committee on fees and salaries.

Senate Bill No. 4. A bill prescribing certain of the duties of the Clerks, Auditors, Sheriffs, and Treasurers of the several counties of this State, fixing their compensation; prescribing penalties for their failure to discharge their duties; regulating the appointment of bailiffs and their allowances, and repealing all laws in conflict with the provisions hereof.

Was read a second time, and,

On motion,

Referred to the committee on fees and salaries.

Senate Bill No. 5. An act to enable married women to join with their husbands, and make valid executory contracts for the sale or conveyance of his real estate.

Which was read a second time, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 6. A bill fixing and giving specific salaries to County Clerks, Auditors, Treasurers, and Sheriffs of the several counties, defining their duties, and repealing all laws in conflict with this act.

Was read a second time, and,

On motion,

Referred to the committee on fees and salaries.

Senate Bill No. 7. An act providing for the publication of certain business therein named, of Boards of Commissioners; fixing a penalty, designating the terms when certain business shall be transacted, repealing all laws in conflict herewith, and declaring an emergency.

Was read a second time, and,

On motion,

Referred to the committee on county and township business.

Senate Bill No. 8. A bill to amend the sixth, seventh, and eleventh section of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of court, incident thereto," approved May 13, 1852, and repealing all laws conflicting with this act.

Was read a second time, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 9. A bill regulating interest on money.

Was read a second time, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 10. A bill repealing section one, of an act entitled "An act prescribing the duties, and fixing the compensation of State Agent." Approved, June 17, 1852, and authorizing and requiring the Treasurer of State to perform the duties thereof, and declaring an emergency to exist for the taking effect of this act.

Was read a second time by title only, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 11. A bill to amend an act to enable the owners of wet lands, to drain and reclaim them where the same can not be done without affecting the lands of others; prescribing the powers and duties of County Boards, and County Auditors in the premises, and repealing all laws inconsistent therewith, approved March 11th, 1867.

Was read a second time, and,

On motion,

Referred to the committee on agriculture.

Senate Bill No. 12. A bill to amend an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties; matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed. Approved March 6th, 1865.

Was read a second time by title only, and,

On motion,

Referred to the committee on county and township business.

Senate Bill No. 13. A bill to establish the rate of interest on judgments and claims in certain cases.

Was read a second time, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 14. A bill to encourage manufacturing in the State of Indiana, and allowing and equalizing conveyances of real estate to foreign manufactories.

Which was read a second time, and

On motion,

Referred to the committee on corporations.

Senate Bill No. 15. A bill supplemental to an act authorizing the construction of plank, Macadamized and gravel roads, approved March 12, 1852, and the amendments thereto.

Which was read a second time, and

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

Senate Bill No. 16. A bill to amend section 3 of an act entitled an act to authorize cities and towns to negotiate and sell bonds, to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for erection of such buildings, and to authorize the levy and collection of an additional special school tax for the payment of principal and interest of such bonds.

Which was read a second time by title only, and

On motion,

Referred to the committee on education.

Senate Bill No. 17. A bill to regulate and make uniform the prices charged by railroad companies for transporting passengers, goods, wares, merchandize, and other property, to and from stations on railroads in the State of Indiana, declaring the duty of certain officers in relation thereto, prescribing penalties for the violation thereof, and declaring an emergency.

Which was read a second time, and

On motion,

Referred to the committee on railroads.

Senate Bill No. 18. A bill making it lawful for county recorders to demand and receive their fees for recording, at the time any deed, mortgage, or other paper, is presented to them for record.

Which was read a second time, and

On motion,

Referred to the committee on fees and salaries.

Senate Bill No. 19. A bill to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location, and for the transfer of the former county property, and defining certain misdemeanors and prescribing punishment therefor.

Which was read a second time by title only, and

On motion,

Referred to the committee on county and township business.

Senate Bill No. 20. A bill empowering and legalizing appropriations for bridges by county commissioners.

Which was read a second time, and

On motion,

Referred to the committee on county and township business.

Senate Bill No. 21. A bill to amend section thirty-nine of an act entitled an act defining felonies, and prescribing punishment therefor.

Which was read a second time by title only, and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 22. A bill to fix the time of holding Courts in the Sixth Judicial Circuit, requiring all persons to take notice

thereof, providing for the return of process, repealing all laws in conflict herewith, and declaring when this act shall take effect.

Which was read a second time by title, and

On motion by Mr. Dittmore,

Was referred to a select committee consisting of Messrs. Hughes, Henderson, Hadley, Alsop, and Dittmore.

Senate Bill No. 23. A bill to constitute the Twenty-Fifth Judicial District.

Which was read a second time by title, and

On motion,

Referred to the committee on the organization of courts.

Senate Bill No. 24. A bill authorizing plank, Macadamized, and gravel road companies, with the concurrence of township trustees to lay a road tax in their respective districts.

Which was read a second time by title, and

On motion,

Referred to the committee on roads.

Senate Bill No. 25. A bill regulating the terms of the Circuit Courts in the Fifteenth Judicial Circuit, and making all process whatever returnable thereto, repealing all laws in conflict therewith, and declaring an emergency.

Which was read a second time by title, and

On motion by Mr. Carnahan,

It was referred to a select committee of five, consisting of Messrs. Cave, Fuller, Carnahan, Straud and Morgan.

Senate Bill No. 26. A bill to amend an act entitled an act to enable the owners of wet lands to drain and reclaim them, where the same can not be done without affecting the lands of others, and prescribing the powers and duties of county boards and county auditors in the premises, and repealing all laws inconsistent therewith, approved March 11, 1867, by amending the title, and by amending sections one (1,) three (3,) four (4,) six (6,) nine (9,) eleven (11,) and twelve (12,) that the title of said act be and the same is hereby amended to read as follows:

An act to enable and encourage the owners of wet lands and

marshes to drain or reclaim them, when the work necessary thereto will affect the lands of others; and prescribing the powers and duties of county commissioners, county auditors, and recorders in the premises, and repealing all laws inconsistent therewith.

Which was read a second time, and

On motion,

Referred to the committee on corporations.

Senate Bill No. 27. A bill to amend section 580 of an act approved June 18, 1852, and entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms of actions at law in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Which was read a second time by title, and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 28. A bill to amend an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof," approved May 13, 1852, creating an additional judge of said court, and declaring a vacancy.

Which was read a second time, and

On motion,

Referred to the committee on the organization of courts.

Senate Bill No. 29. A bill to provide for the holding of Roman Catholic churches, cemeteries, colleges, and other property, and for conveyance of and succession thereto.

Which was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 30. An act supplemental to an act entitled "An act to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys and adopt, when the same have been lost or destroyed, and prescribing the duties of Boards of Trustees, and providing for

the mode of working and improving streets and alleys, and declaring an emergency," approved April 27, 1869.

Was read a second time, and

On motion,

Referred to the committee on corporations.

Senate Bill No. 31. A bill to provide for the payment of certain stocks and bonds of the State of Indiana, therein mentioned.

Which was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 32. A bill to fix the time of holding courts in the Twenty-eighth Judicial Circuit, composed of the counties of Johnson, Shelby, Brown, and Bartholomew, and providing for return of process, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a second time, and

On motion,

Referred to a select committee, consisting of Messrs. Brown, Henderson, and Glessner.

Senate Bill No. 33. A bill to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which took effect without Executive approval May 22, 1869.

Which was read a second time, and

On motion,

Referred to the committee on corporations.

Senate Bill No. 34. A bill to amend an act entitled "An act to amend the fortieth clause of section 30 of an act entitled 'An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter,' approved January 27, 1847, and declaratory of the meaning of the second section of the same act," approved December 21, 1865, and making supplemental sections thereto for the government of the water works at Evansville.

Which was read a second time, and

On motion,

Referred to the committee on corporations.

Senate Bill No. 35. A bill to amend the 207th section of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved January 18, 1852.

Which was read a second time by its title, and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 36. A bill prescribing the duties of County Auditors in relation to making out and publishing the delinquent list, and fixing compensation for publishing the same.

Which was read a second time, and

On motion,

Referred to the committee on county and township business.

Senate Bill No. 37. A bill to amend an act entitled "An act districting the State for the purpose of electing four Judges of the Supreme Court," approved February 19, 1852, and creating the Fifth district.

Which was read a second time by its title, and

On motion,

Referred to the committee on the organization of courts.

Senate Bill No. 38. A bill to amend an act entitled "An act to exempt property from sale in certain cases," approved February 17, 1852.

Which was read a second time by its title, and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 39. An act amendatory of an act accepting the provisions of an act of the Congress of the United States of America, entitled "An act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture, mechanics and the arts, providing for the receipt, investment, and management of said donation," passed March 6, 1865, and providing for an increase of the number of Trustees in the Purdue University,

and the election of four members of the State Board of Agriculture as Trustees of Purdue University.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate Bill No. 40. A bill to amend an act entitled "An act to provide for a general system of common schools," approved March 6, 1865, and adding supplemental sections thereto.

Which was read a second time by its title, and

On motion,

Referred to the committee on education.

Senate Bill No. 41. A bill to amend an act entitled "An act to provide for a general system of common schools," approved March 6, 1865, and adding supplemental sections thereto.

Which was read a second time by its title, and

On motion,

Referred to the committee on education.

Mr. Bradley offered the following resolution:

Resolved, That the committee on education be authorized to employ a clerk.

Which was adopted.

Mr. Dwiggins introduced

Senate Bill No. 43. A bill to legalize the sale of seminary lands in Jasper county to Marion L. Spitler and Margaret Stackhouse, and directing how proceeds of said sale shall be applied.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Carnahan introduced

Senate Bill No. 44. A bill dividing the State into five Supreme Court districts, providing for the appointment and election of a Judge of the Supreme Court in the Fifth District, and for the salaries of the Judges of the Supreme Court.

Which was read a first time.

Mr. Carnahan moved that the constitutional rule requiring bills to be read on the several days, be suspended, that the bill may be read a second time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Gregg,	Robinson,
Armstrong,	Hamilton,	Scott,
Bradley,	Henderson,	Taylor,
Dougherty,	Hubbard,	Wadge,
Fuller,	Hughes,	Williams,
Glessner,	Miller,	Wood—20.
Gray,	Morgan,	

Those who voted in the negative were, Messrs.

Beardsley,	Dwiggins,	Johnson,
Beeson,	Fosdick,	Keigwin,
Carnahan,	Francisco,	Martindale,
Collett,	Hess,	Rosebrough,
Dittemore,	Hooper,	Sarninghausen—15.

So the constitutional rule was not suspended.

Mr. Hughes, by consent of the Senate, offered the following resolution:

Resolved, That the committee on the judiciary be and they are hereby empowered to employ one clerk and one messenger.

Which was adopted.

Mr. Denbo, by consent of the Senate, offered the following:

WHEREAS, Major O. M. Wilson, Principal Secretary of the last Senate in the General Assembly of Indiana, being a member elect of the House of the present session, thereby being unable to be present at and assist in the organization of this Senate at its present session,

Resolved, That A. Jaqua, Esq., be allowed pay for five days and mileage for assisting in the organization of this Senate at its present

session, as Principal Secretary, and that the President of the Senate be authorized to draw his warrant upon the Auditor of State for the same.

Mr. Hughes offered the following amendment:

And that the same amount be paid to W. A. Bonham, Assistant Secretary, to be paid in the same manner.

Which was agreed to.

On motion by Mr. Denbo,

The resolution and amendment was referred to the committee on claims.

Mr. Martindale moved the Senate do now adjourn.

Which was agreed to.

SATURDAY MORNING.

JANUARY 14, 1871, 9 o'clock A. M.

The Senate met.

Prayer by the Rev. Mr. Chamberlain, of the Fifth Presbyterian Church of this city.

The Clerk proceeded to read the Journal, when,
On motion by Mr. Johnson,
The further reading was dispensed with.

Mr. Hughes asked and obtained leave of absence until Tuesday next.

Mr. Dittemore, from the special committee on mileage and accounts, by the unanimous consent of the Senate, made the following report:

MR. PRESIDENT:

The committee on mileage and accounts would report that they have examined the question of mileage, and find that members of the Senate are entitled to mileage as follows:

Mr. Alsop	216 miles.
Mr. Andrews	130 miles.
Mr. Armstrong.....	128 miles.
Mr. Beardsley	420 miles.
Mr. Beeson	120 miles.
Mr. Beggs.....	152 miles.
Mr. Bobo	310 miles.
Mr. Bradley	316 miles.
Mr. Brown.....	144 miles.
Mr. Burson	108 miles.
Mr. Carnahan	462 miles.
Mr. Case.....	400 miles.

Mr. Cave.....	300 miles.
Mr. Caven.....	
Mr. Collett.....	220 miles.
Mr. Denbo.....	264 miles.
Mr. Dittamore.....	130 miles.
Mr. Dougherty	192 miles.
Mr. Dwiggin.....	250 miles.
Mr. Elliott.....	130 miles.
Mr. Fosdick.....	400 miles.
Mr. Francisco.....	160 miles.
Mr. Fuller	428 miles.
Mr. Glessner.....	52 miles.
Mr. Gray	168 miles.
Mr. Green.....	80 miles.
Mr. Gregg	178 miles.
Mr. Hadley	40 miles.
Mr. Hamilton	100 miles.
Mr. Henderson.....	62 miles.
Mr. Hess.....	112 miles.
Mr. Hooper.....	360 miles.
Mr. Hubbard.....	400 miles.
Mr. Hughes.....	160 miles.
Mr. Johnson	94 miles.
Mr. Keigwin	216 miles.
Mr. Lasselle.....	154 miles.
Mr. Martindale.....	
Mr. Miller	170 miles.
Mr. Morgan.....	384 miles.
Mr. Robinson	90 miles.
Mr. Rosebrough	172 miles.
Mr. Sarninghausen.....	268 miles.
Mr. Scott	148 miles.
Mr. Steele	192 miles.
Mr. Straud.....	360 miles.
Mr. Taylor.....	124 miles.
Mr. Wadge.....	380 miles.
Mr. Williams.....	360 miles.
Mr. Wood.....	144 miles.
Lieutenant Governor Cumback	90 miles.

Which report was concurred in.

Mr. Glessner introduced

Senate Bill No. 45. A bill to legalize the extension of plank, Macadamized, gravel and turnpike roads beyond the terminus thereof, as set forth in the articles of association of such companies heretofore made in certain cases, and to authorize such extensions to be made hereafter in certain cases.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fuller introduced

Senate Bill No. 46. A bill to encourage the destruction of foxes and wildcats.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Cave introduced

Senate Bill No. 47. A bill to repeal an act entitled "An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others; and also repealing an act to license dogs, approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled 'An act for the protection of sheep,'" approved June 15, 1852, approved March 2, 1865.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beardsley introduced

Senate Bill No. 48. A bill supplemental to an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect May 22, 1869.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Johnson introduced

Senate Bill No. 49. A bill to amend an act entitled "An act for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency," approved March 11, 1867.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Martindale introduced

Senate Bill No. 50. A bill to establish Superior Courts, defining their jurisdiction, and providing for the election and compensation of the judge thereof.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Denbo introduced

Senate Bill No. 51. A bill to regulate insurance companies.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fuller introduced

Senate Bill No. 52. A bill prohibiting the Prosecuting Attorneys of the Circuit Courts from entering a *nolle prosequi* in any State case without the consent of the Court, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bradley introduced

Senate Bill No. 53. A bill to authorize trustees to sell real estate, and invest the proceeds of sales for the benefit of their *cestui que trusts*.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Martindale introduced

Senate Bill No. 54. A bill authorizing married women to make contracts rendering their separate property liable therefor, exempting such property and their earnings from the debts of their husbands, from the separate debts of wives made as "sole traders."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beardsley introduced

Senate Bill No. 55. A bill to amend section 2 of an act entitled "An act relating to the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Cave introduced

Senate Bill No. 56. A bill to amend section 30 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved December 20, 1865.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Gregg introduced

Senate Bill No. 57. A bill authorizing and empowering the clerk of the Circuit Court and the Court of Common Pleas to grant restraining orders and temporary injunctions, providing the mode by which they may be dissolved or modified, authorizing and empowering the judge of the Circuit Court to hear and determine application in cases pending in the Court of Common Pleas, and authorizing and empowering the judge of the Court of Common Pleas to hear and determine like cases pending in the Circuit Court.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beardsley introduced

Senate Bill No. 58. A bill to amend sections 1 and 2 of an act entitled "An act to amend the 13th and 14th sections of an act entitled an act providing for the election and qualification of justices of the peace, defining their jurisdiction, powers, and duties in civil cases," approved June 6, 1852, approved March 9, 1861.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fuller introduced

Senate Bill No. 59. A bill fixing the rate of interest on money, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Martindale introduced

Senate Bill No. 60. A bill authorizing cities, towns, and townships to negotiate bonds for school building purposes, and authorizing the collection of a tax for the payment of such bonds.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Martindale introduced

Senate Bill No. 61. A bill providing for the taxation of water works companies and associations for furnishing water to cities and towns.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Brown introduced

Senate Bill No. 62. A bill to authorize townships to aid in the erection of bridges for common travel.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Denbo introduced

Senate Bill No. 63. A bill to establish an insurance bureau.

Which was read a first time, and passed to a second reading on to-morrow.

By the unanimous consent of the Senate,
Mr. Bradley offered the following:

Resolved, That when the Senate adjourn it adjourn to meet on Monday next at 2 o'clock P. M.

Which was adopted.

Mr. Martindale introduced

Senate Bill No. 64. A bill relating to insurance companies (joint stock companies.)

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fuller, from a select committee, by unanimous consent of the Senate, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 25, "A bill regulating the terms of the Circuit Courts in the Fifteenth Judicial Circuit, and making all process whatever returnable thereto, repealing all laws in conflict therewith, and declaring an emergency," have had the same under consideration, and directed me to report the same to the Senate, and recommend its passage.

Which was concurred in.

Mr. Bradley introduced

Senate Bill No. 65. A bill to amend the 18th section of an act entitled an "Act regulating descents and the apportionment of estates," approved May 14, 1852, and validating deeds of conveyance made in contravention thereof.

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Cave,
The Senate adjourned.

MONDAY AFTERNOON.

JANUARY 16, 1871, 2 O'CLOCK.

The Senate met.

Prayer by Rev. Robert Sloss, of the Third Presbyterian church.

The Journal was being read, when

Mr. Dwiggins moved that the further reading of the Journal be dispensed with.

Which was not agreed to.

The Journal was then read and approved.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Beeson presented a memorial from the religious society of Friends, asking a repeal of all divorce laws of our State except that which provides for a legal separation of man and wife for the crime of adultery.

Which was referred to the committee on rights and privileges of inhabitants of this State.

Mr. Gregg presented a petition from sundry citizens of the State, asking that the Constitution of the State be so amended as to remove all legal and political disabilities of women.

Which was referred to a special committee on that subject.

Mr. Fosdick, from the select committee on employes, made the following majority report:

MR. PRESIDENT:

Your committee, to whom was referred the question of the number of employes to be appointed by the elective officers of this

Senate, have had the same under consideration, and beg leave to make the following report, containing the names and duties of the several employes appointed by the officers of this Senate, to wit:

APPOINTED BY PRINCIPAL SECRETARY.

Reading Clerks—William McLain and Clement R. Cory.
 Engrossing Clerks—D. W. Browning and John H. Bradley.
 Enrolling Clerk—Milo R. Smith.
 Registering Clerk—Isaac A. Beck.
 Secretary's Page—Alva H. J. Denbo.

APPOINTED BY ASSISTANT SECRETARY.

Minute Clerk—John O. Hardesty.
 Principal Journal Clerk—David H. Olive.
 Journal Clerks—Moses C. Springer, Allen Jaqua, E. J. Smith and Charles Dailey.

APPOINTED BY THE DOORKEEPER.

Assistant Doorkeeper—J. F. Furnish.
 Announcing Messenger—Isaac N. Johnston. East Lobby, W. S. Eckels; West Lobby, Eli Butler.
 Mail Messenger—C. S. Cookerly.
 Postmaster—M. McDonald.
 Folding Clerks—T. W. Pease and J. M. Cookerly.
 Cloak Room—V. Elliott.
 Firemen and Water Carriers—R. H. Moore and T. Dorsey.
 Sweepers and Spittoon Cleaners—L. Martin and R. H. Lancaster.
 Committee Rooms—W. Shell and W. Anderson.
 Floor Pages—William McCarty and Lew. Conwell.

I am instructed by the majority of said committee to report the names of the foregoing employes to the Senate, and recommend that the same be approved.

Mr. Denbo, from the same committee, submitted the following minority report:

MR. PRESIDENT:

As one of said committee, I would respectfully recommend that one Journal clerk be dropped from the list of appointees of the

Assistant Secretary. Also, that two of the appointees by the Doorkeeper be dropped from his list, and when so amended, I would recommend that said report be concurred in by the Senate.

The question being on the adoption of the minority report,

Mr. Williams moved to strike out of the Doorkeeper's employees four (4) instead of two (2), as recommended by the minority of the committee.

It was not agreed to.

The question being on the adoption of the minority report,

It was not agreed to.

The question recurring on the adoption of the report of the majority of the committee.

It was agreed to.

Mr. Dittmore, chairman of a select committee, made the following report:

MR. PRESIDENT:

Your select committee, to whom was referred Senate Bill No. 22, fixing the time of holding courts in the Sixth Judicial Circuit, have had the same under consideration, and respectfully report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Dittmore moved that the constitutional rule requiring bills to be read on three several days, be suspended, that the bill may be read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Bradley,	Dittmore,
Armstrong,	Brown,	Dougherty,
Beardsley,	Cave,	Dwiggins,
Beeson,	Caven,	Elliott,
Beggs,	Denbo,	Francisco,

Fuller.	Hubbard,	Sarninghausen,
Glessner,	Johnson,	Scott,
Green,	Keigwin,	Steele,
Gregg,	Lasselle,	Straud,
Hadley,	Martindale,	Taylor,
Henderson,	Morgan,	Wadge,
Hess,	Robinson,	Williams—38.
Hooper,	Rosebrough,	

Those who voted in the negative were, Messrs.

Carnahan,

Hamilton—2.

So the constitutional rule was suspended.

Senate Bill No. 22. A bill to fix the time of holding courts in the Sixth Judicial Circuit, requiring all persons to take notice thereof; providing for the return of process, repealing all laws in conflict herewith, and declaring when this act shall take effect.

Was read a third a time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Johnson,
Armstrong,	Fosdick,	Keigwin,
Beardsley,	Francisco,	Martindale,
Beeson,	Fuller,	Morgan,
Beggs,	Glessner,	Robinson,
Bradley,	Green,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Hadley,	Scott,
Cave,	Hamilton,	Steele,
Caven,	Henderson,	Straud,
Denbo,	Hess,	Taylor,
Dittemore,	Hooper,	Wadge,
Dougherty,	Hubbard,	Williams—40.
Dwiggins,		

None voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

The President laid before the Senate the following communication from the Superintendent of Public Instruction :

STATE OF INDIANA,
OFFICE OF PUBLIC INSTRUCTION,
December 31, 1870.

*To the President of the Senate, and
Speaker of the House of Representatives :*

GENTLEMEN: Allow me to present to you, and through you to the branches of the General Assembly over which you respectively preside, the eighteenth annual report and fifth biennial report from this office.

I am, with regard,
BARNABAS C. HOBBS,
Superintendent of Public Instruction.

Which report was,

On motion,

Referred to the committee on education.

Mr. Brown offered the following :

Resolved, That the committee on corporations be authorized to employ a clerk, for such length of time as in the opinion of the committee the services of one are needed.

Which was adopted.

Mr. Martindale offered the following :

Resolved, That the Secretary be instructed to have Senate bills Nos. 40 and 41 printed—two hundred copies of each.

Mr. Brown moved to include Senate bill No. 19.

Which was accepted by Mr. Martindale.

The question recurring on the resolution,

It was agreed to.

Senate Joint Resolution No. 2. Joint resolution ceding to the United States jurisdiction over certain land in Jeffersonville, Indiana, to be used for military purposes.

Was read a third time.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Francisco,	Keigwin,
Armstrong,	Fuller,	Martindale,
Beardsley,	Glessner,	Morgan,
Beeson,	Green,	Robinson,
Beggs,	Gregg,	Rosebrough,
Brown,	Hadley,	Sarninghausen,
Carnahan,	Hamilton,	Scott,
Caven,	Henderson,	Steele,
Denbo,	Hess,	Straud,
Dittemore,	Hooper,	Taylor,
Dougherty,	Hubbard,	Wadge,
Dwiggins,	Johnson,	Williams—37.
Elliott,		

None voting in the negative.

So the resolution passed.

The question being, shall the title as read stand as the title of the resolution?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the resolution.

Mr. Brown introduced

Joint Resolution No. 4. Proposing an amendment to the Constitution of Indiana.

Mr. Brown moved to make it the special order with others on the same subject for 2½ o'clock to-morrow.

Which was agreed to.

Mr. Dittmore introduced

Senate Bill No. 66. A bill authorizing metropolitan police districts in incorporated cities having a population of not less than twenty thousand inhabitants, according to the United States census for the year eighteen hundred and seventy, and providing for the government thereof.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beeson introduced

Senate Bill No. 67. A bill to amend the title of an act concerning license to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain, approved June 15, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bradley introduced

Senate Bill No. 68. A bill to amend the 69th section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as pertain thereto," approved March 4, 1867.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hess introduced

Senate Bill No. 69. A bill authorizing plank, Macadamized, and gravel road companies to enter upon lands, to construct drains, and appropriate material, by giving notice and having value of material appraised.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Sarninghausen introduced

Senate Bill No. 70. A bill to repeal the second section of an act entitled "An act repealing sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, and 22, of an act entitled an act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of ballots, and providing compensation for the services of such officers," approved March 11, 1867, and prescribing further duties of the officers of elections, and providing for the appointment of the necessary officers and clerks for holding such elections, which first mentioned act was approved May 13, 1869.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Armstrong introduced

Senate Bill No. 71. A bill to establish a rate of interest upon judgments rendered upon contracts, stipulating for a greater rate of interest than six per cent.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beeson introduced

Senate Bill No. 72. A bill to amend the 16th section of an act entitled "An act supplemental to an act entitled an act concerning real property and the alienation thereof," approved May 6, 1852, and to provide for the sale and conveyance of the interest of an insane wife in the lands of her husband.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Caven introduced

Senate Bill No. 73. A bill authorizing the organization of voluntary associations, prescribing their powers and defining their duties, and repealing all former laws on that subject, and legalizing the acts of associations founded under laws which have been repealed.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bradley introduced

Senate Bill No. 74. A bill to amend the eighth section of an act entitled "An act to enable trustees to receive lands and donations and convey the same, for the use of schools, churches, religious societies, Masonic and Odd Fellows bodies, sons and daughters of temperance, and for the construction of cemeteries, houses of worship, and other buildings therein mentioned," approved June 17, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Martindale introduced

Senate Bill No. 75. A bill to regulate the publication of legal advertisements.

Was read a second time and passed to a second reading on to-morrow.

Mr. Fuller introduced

Senate Bill No. 76. A bill to amend section 2 of an act entitled "An act to provide for the protection of wild game and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent therewith, and declaring an emergency," approved March 11, 1867.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Sarninghausen introduced

Senate Bill No. 77. A bill in relation to promissory notes, bank checks, and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance, and payment of the same.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bradley introduced

Senate Bill No. 78. A bill to provide for the compensation of Judges performing extra services.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Armstrong introduced

Senate Bill No. 79. A bill to authorize incorporated cities and towns to condemn stone and gravel situated within one mile and a-half of their corporate limits, for the purpose of constructing and repairing streets and alleys and other public improvements, under the same rules and regulations that are now provided by law for other corporations to condemn stone and gravel.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Martindale introduced

Senate Bill No. 80. A bill relating to appeals to the Supreme Court.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bradley introduced

Senate Bill No. 81. A bill to confer power upon Circuit Courts and Courts of Common Pleas, and the Judges thereof to appoint clerks of such courts, and other persons, to grant injunctions and writs of habeas corpus, to hear and try issues in proceedings therefor and thereunder, to tax and collect costs therein, and to allow Judges of said courts, in vacation, to modify or vacate injunctions, and to authorize appeals therefrom.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Johnson introduced

Senate Bill No. 82. A bill to legalize certain donations made by Boards of County Commissioners in this State.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bradley moved that the regular order of business be suspended, that the Senate may take up Senate Bill No. 1, and all other Bills on third reading.

It was agreed to.

Senate Bill No. 1. A bill to legalize bonds of cities issued to aid in the construction of water works, and the sale and hypothecation of such bonds, to legalize all orders, resolutions, and ordinances of cities for the construction of water works, and all acts done, and contracts made under and in pursuance thereof, and to authorize the issue of bonds and negotiations of temporary loans, to raise money to carry out and comply with contracts heretofore made for the establishment and construction of water works and to fully complete said works.

Was read a third time.

By the unanimous consent of the Senate, Mr. Martindale offered the following amendment:

Provided, That no authority is given herein to cities to issue bonds to purchase any water works constructed by an incorporated company.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Johnson,
Armstrong,	Fosdick,	Keigwin,
Beardsley,	Francisco,	Martindale,
Beeson,	Fuller,	Morgan,
Beggs,	Glessner,	Robinson,
Bradley,	Green,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Denbo,	Henderson,	Taylor,
Dittemore,	Hess,	Wadge,
Dougherty,	Hooper,	Williams—38.
Dwiggins,	Hubbard,	

None voting in the negative.

So the bill passed.

The question being, shall the title read, stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Senate Bill No. 25. A bill regulating the terms of the Circuit Courts in the Fifteenth Judicial Circuit, and making all process whatever returnable thereto, repealing all laws in conflict therewith, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Johnson,
Armstrong,	Fosdick,	Keigwin,
Beardsley,	Francisco,	Martindale,
Beeson,	Fuller,	Morgan,
Beggs,	Glessner,	Robinson,
Bradley,	Green,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Denbo,	Henderson,	Straud,
Dittemore,	Hess,	Taylor,
Dougherty,	Hooper,	Wadge,
Dwiggins,	Hubbard,	Williams—39.

None voting in the negative.

So the bill passed.

The question being, shall the title read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Senate Bill No. 39. A bill amendatory of an act accepting the provisions of an act of the Congress of the United States of America, entitled an act donating lands to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic's arts, providing for the receipts, investments and management of said donation, passed March 6, 1865, and providing for an increase of the number of trustees in the Purdue University, and the election of three members of the State Board of Agriculture as trustees of Purdue University.

Was read a third time.

Mr. Williams, by unanimous consent, offered the following amendment:

Amend by striking out "four" (4.) where it occurs, and insert "three" (3.)

It was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Fosdick,	Keigwin,
Armstrong,	Francisco,	Lasselle,
Beardsley,	Fuller,	Martindale,
Beeson,	Glessner,	Morgan,
Beggs,	Green,	Robinson,
Bradley,	Gregg,	Rosebrough,
Carnahan,	Hadley,	Sarninghausen,
Cave,	Hamilton,	Scott,
Caven,	Henderson,	Steele,
Dittemore,	Hess,	Straud,
Dougherty,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Elliott,	Johnson,	Williams—39.

Mr. Denbo voted in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Mr. Hooper moved the Senate do now adjourn.

Which was agreed to.

TUESDAY AFTERNOON.

JANUARY 17, 1871, 2 O'CLOCK.

Senate met.

Prayer by Rev. Frost Craft, of the Third Methodist Church of Indianapolis.

Journal of yesterday read and approved.

Mr. Carnahan, by the unanimous consent of the Senate, introduced

Senate Bill No. 83. A bill to extend the time for the completion of certain railroads, and to legalize the acts of their boards of directors.

Which was read a first time, and passed to a second reading on to-morrow.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the Speaker of the House to inform the Senate that he has signed Enrolled House Joint Resolution No. 1, and the same is hereby transmitted to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the following concurrent resolution, to wit:

WHEREAS, It is right and proper that the free people of a great and prosperous commonwealth should duly honor the living patriot, it is no less so to cherish in memory the distinguished dead; and

WHEREAS, In the late Ashbel P. Willard, once the Governor of

this State, we recognize one whose great abilities added renown to her already proud history; and

WHEREAS, It is known to this General Assembly that his tomb is marked by no monument to point the passer-by or stranger to the resting place of the once eloquent orator and statesman; and

WHEREAS, It is meet that partisan feeling should cease at the grave, and in its place should be cherished rather the memory of those splendid qualities which imparted new lustre and dignity to the Senate Chamber; therefore,

Resolved by the House of Representatives (the Senate concurring,) That His Excellency Governor Baker be empowered and requested to contract for and cause to be erected over the grave of the late Ashbel P. Willard, once the Governor of this State, a suitable monument, with a proper inscription, and that the sum of one thousand dollars be appropriated for that purpose out of the State Treasury of any moneys not otherwise appropriated.

In which the concurrence of the Senate is respectfully asked.

MR. PRESIDENT:

I am instructed by the Speaker of the House to inform the Senate that the House has passed the following Joint Resolution:

A Joint Resolution in reference to granting lands to soldiers and sailors of the late war.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the following engrossed House bills to wit:

House Bill No. 2. Entitled "An act to amend sections four and six of an act prescribing the powers and duties of coroners," approved May 27, 1852, and providing for an emergency.

Also, House Bill No. 19. Entitled "A bill authorizing the Council of the city of Jeffersonville to elect pilots," etc.

Also, House Bill No. 74. Entitled "A bill to legalize certain bonds

issued by the city of Columbus for the construction of water works."

In each of which the Senate is respectfully asked to concur.

SPECIAL ORDER.

The hour having arrived for the consideration of Mr. Brown's concurrent resolutions, the memorial in reference to the Wabash and Erie Canal, and the resolution amending the Constitution of the State, which was made the special order for this hour, the same was taken up.

Mr. Hughes moved that the memorial from the holders of the Wabash and Erie Canal stocks be indefinitely postponed.

Which was agreed to.

Mr. Hadley offered the following amendment to the amendment offered by Mr. Hughes to the concurrent resolutions of Mr. Brown :

Amend the amendment to the second resolution by striking out of the resolution all after the word "dollars" in the ninth line thereof, and inserting the following: "And in the settlement of the interest on sixty-nine Wabash and Erie Canal bonds, amounting to forty-six thousand six hundred and seventy-five dollars, as stated in his Excellency's message, delivered January 8, 1869, was unauthorized by any law of this State, and he is hereby authorized, in the presence of the Chairman of the finance committee of the Senate, the Chairman of the committee of ways and means of the House, the Secretary, Treasurer, and Auditor of State, after having caused the same to be properly registered in the office of the Auditor of State, to burn the bonds and coupons so redeemed from the National government, and required to report his action in the premises to the General Assembly."

Amend the amendment to the third resolution as follows, to wit: Strike out all after the word "old" in the last line of the printed copy thereof, and insert the following, to wit: "Bonds of the State, issued prior to the year 1841, and not surrendered under the legislation of 1846 and 1847, known as the 'Butler Bills,' *Provided*, That the Supreme Court of the State of Indiana, or the Supreme Court of the United States, decide that such old bonds are a lien upon the

public works inaugurated by the legislation of 1836, or any part thereof," so that said third resolution will read as follows:

Resolved by the Senate (the House of Representatives concurring,) That this General Assembly of the State of Indiana, will make provision for the payment of the principal and interest of the old bonds of the State, issued prior to the year 1841, and not surrendered under the legislation of 1846 and 1847, known as the "Butler Bills," *Provided*, That the Supreme Court of the State of Indiana, or the Supreme Court of the United States decide that such bonds are a lien upon the public works of the State, inaugurated by the legislation of 1836, or any part thereof.

Mr. Denbo moved to lay the amendment to the amendment upon the table.

The ayes and noes were demanded by Messrs. Hadley and Gray.

Those who voted in the affirmative were, Messrs.

Armstrong,	Dittemore,	Hughes,
Beggs,	Dougherty,	Johnson,
Bobo,	Francisco,	Keigwin,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gray,	Sarninghausen,
Cave,	Gregg,	Straud,
Caven,	Henderson,	Williams,
Denbo,	Hooper,	Wood—27.

Those who voted in the negative were, Messrs.

Andrews,	Hadley,	Robinson,
Beeson,	Hamilton,	Scott,
Collett,	Hess,	Steele,
Dwiggins,	Hubbard,	Taylor,
Fosdick,	Martindale,	Wadge—17.
Green,	Miller,	

So the amendment to the amendment was laid on the table.

Mr. Dwiggins offered the following substitute for the concurrent

resolutions, and the pending amendments thereto, offered by Mr. Hughes.

WHEREAS, For some months past it has been stated in the public prints that an effort would be made to have the present General Assembly of this State purchase the Wabash and Erie Canal, and in payment therefor assume the payment of the canal bonds, the payment of which by the act of January 19, 1846, and the act of January 27, 1847, supplementary thereto, commonly known as the Butler bills, is charged exclusively upon said canal, its lands, tolls, and revenues; and

WHEREAS, His Excellency Governor Baker did, on the 5th day of November, 1868, allow the United States a credit on the allowed war claims, held by this State against the United States, of two hundred and seventy-seven thousand three hundred dollars, which credit was allowed because of the United States surrendering to His Excellency one hundred and forty-one old internal improvement bonds of the denominations of one thousand dollars each, and interest thereon to the amount of one hundred and thirty-six thousand three hundred dollars, which improvement bonds were issued prior to 1846, under the laws to provide for a general system of internal improvement in this State, which said bonds were purchased and held by the United States government in trust for certain tribes of Indians, and were not surrendered under the provisions of said Butler bills; therefore, be it

Resolved by the Senate (the House of Representatives concurring,) That it is inexpedient to take any legislative action on the subject of the resumption by the State of the Wabash and Erie Canal, except for the purpose of submitting the matters in some appropriate form to the people of the State, and to protect the canal from sale and its revenues from sequestration.

Resolved by the Senate (the House of Representatives concurring,) That the action of His Excellency, the Governor of this State, on the 5th day of November, 1868, in the settlement of one hundred and forty-one of the old Internal Improvement Bonds, the principal and interest thereof, amounting to two hundred and seventy-seven thousand three hundred dollars, is hereby approved by this General Assembly.

Resolved by the Senate (the House of Representatives concurring,) That this General Assembly of the State of Indiana will make provision for the payment of the principal and interest of the old Internal Improvement bonds not heretofore surrendered, under the provisions of the acts of January 19, 1846, and January 27, 1847, commonly known as the Butler bills.

Mr. Hughes accepted the first and second resolution of the substitute, in lieu of the amendments to the first and second resolutions of the concurrent resolutions, as offered by himself.

Mr. Johnson, by unanimous consent of the Senate, offered the following:

Resolved, That when the Senate adjourn, it adjourn to meet to-morrow morning at 10 o'clock.

Which was adopted.

Mr. Glessner, by unanimous consent of the Senate, offered the following:

Resolved, That the further consideration of the whole subject, including the constitutional amendment, be postponed until Friday week at 2 o'clock P. M., at which time it will be made the special order.

Which was not agreed to.

Mr. Hughes demanded the previous question,

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

Mr. Hughes demanded a division of the question, so as to vote upon each resolution of the substitute separately.

The question being upon the adoption of the first resolution, Messrs. Dwiggins and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,

Armstrong,

Bearlsley,

Beeson,	Green,	Miller,
Beggs,	Gregg,	Morgan,
Bobo,	Hadley,	Robinson,
Caven,	Hamilton,	Rosebrough,
Collett,	Henderson,	Sarninghausen,
Dittemore,	Hess,	Scott,
Dwiggins,	Hooper,	Steele,
Fosdick,	Hubbard,	Taylor,
Glessner,	Hughes,	Wadge—32.
Gray,	Martindale,	

Those who voted in the negative were, Messrs.

Bradley,	Denbo,	Johnson,
Brown,	Dougherty,	Keigwin,
Carnahan,	Francisco,	Straud,
Cave,	Fuller,	Williams—11.

So the first resolution was adopted.

The question being upon the adoption of the second resolution,

Messrs. Dwiggins and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Hadley,	Morgan,
Beeson,	Hamilton,	Robinson,
Caven,	Hess,	Scott,
Collett,	Hooper,	Steele,
Dwiggins,	Hubbard,	Taylor,
Fosdick,	Martindale,	Wadge—21.

Those who voted in the negative were, Messrs.

Armstrong,	Cave,	Glessner,
Beggs,	Denbo,	Gregg,
Bobo,	Dittemore,	Henderson,
Bradley,	Dougherty,	Hughes,
Brown,	Francisco,	Johnson,
Carnahan,	Fuller,	Keigwin,

Rosebrough,	Straud,	Williams—22.
Sarninghausen,		

So the second resolution was not adopted.

The question being upon the adoption of the third resolution.

Messrs. Dwiggins and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Martindale,
Beardsley,	Green,	Miller,
Beeson,	Hadley,	Robinson,
Caven,	Hamilton,	Scott,
Collett,	Hess,	Steele,
Dwiggins,	Hubbard,	Taylor,
Fosdick,	Hughes,	Wadge—21.

Those who voted in the negative were, Messrs.

Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Rosebrough,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—22.
Denbo,		

So the third resolution was not adopted.

The question recurring upon the adoption of the entire substitute,
It was not agreed to.

The question then recurring upon the adoption of the amendments to the concurrent resolutions offered by Mr. Hughes.

Mr. Brown demanded a division of the question.

The question being upon the adoption of the amendments offered to the first resolution,

Messrs. Williams and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Hadley,	Robinson,
Caven,	Hamilton,	Rosebrough,
Collett,	Henderson,	Sarninghausen,
Dittemore,	Hess,	Scott,
Dwiggins,	Hooper,	Steele,
Fosdick,	Hubbard,	Taylor,
Glessner,	Hughes,	Wadge—26.
Gray,	Martindale,	

Those who voted in the negative were, Messrs.

Armstrong,	Cave,	Johnson,
Beggs,	Denbo,	Keigwin,
Bobo,	Dougherty,	Morgan,
Bradley,	Francisco,	Straud,
Brown,	Fuller,	Williams—17.
Carnahan,	Gregg,	

So the amendments to the first resolution were adopted.

The question being upon the adoption of the amendments offered to the second resolution.

Messrs. Brown and Green demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Dittemore,	Hubbard,
Armstrong,	Fosdick,	Hughes,
Beardsley,	Francisco,	Martindale,
Beson,	Fuller,	Miller,
Beggs,	Glessner,	Morgan,
Bobo,	Green,	Rosebrough,
Bradley,	Gregg,	Sarninghausen,
Brown,	Hadley,	Scott,
Carnahan,	Hamilton,	Steele,
Cave,	Henderson,	Straud,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge—36.

Those who voted in the negative were, Messrs.

Dwiggins,	Johnson,	Robinson,
Gray,	Keigwin,	Williams—6.

So the amendments to the second resolution were adopted.

The question then being upon the adoption of the amendments offered to the third resolution.

Messrs. Dwiggins and Bobo demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Martindale,
Beardsley,	Hadley,	Miller,
Beeson,	Hamilton,	Robinson,
Caven,	Hess,	Scott,
Collett,	Hooper,	Steele,
Dwiggins,	Hubbard,	Taylor,
Fosdick,	Hughes,	Wadge—22.
Gray,		

Those who voted in the negative were, Messrs.

Armstrong,	Denbo,	Johnson,
Beggs,	Dittemore,	Keigwin,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Rosebrough,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Strand,
Cave,	Henderson,	Williams—21.

So the amendments to the third resolution were adopted.

The question being on the adoption of the first resolution as amended,

It was agreed to.

The question then being on the adoption of the second resolution as amended,

Messrs. Williams and Wadge demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Armstrong,	Denbo,	Johnson,
Beggs,	Dittemore,	Keigwin,
Bobo,	Francisco,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Straud—20.
Cave,	Hughes,	

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Fosdick,	Hubbard,	Williams—23.
Fuller,	Martindale,	

So the second resolution was not adopted.

The question being on the adoption of the third resolution as amended,

Messrs. Bobo and Williams demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Martindale,
Beardsley,	Hadley,	Miller,
Beeson,	Hamilton,	Robinson,
Caven,	Hess,	Scott,
Collett,	Hooper,	Steele,
Dwiggins,	Hubbard,	Taylor,
Fosdick,	Hughes,	Wadge—23.
Gray,	Lasselle,	

Those who voted in the negative were, Messrs.

Armstrong,	Bobo,	Brown,
Beggs,	Bradley,	Carnahan,

Cave,	Glessner,	Morgan,
Denbo,	Gregg,	Rosebrough,
Dittamore,	Henderson,	Sarninghausen,
Francisco,	Johnson,	Straud,
Fuller,	Keigwin,	Williams—21.

So the third resolution as amended was adopted.

The question then being on the adoption of the first part of the preamble,

It was agreed to.

The question recurring on the adoption of the second part of the preamble,

It was agreed to.

Mr. Hughes moved to reconsider the vote by which the Senate adopted the first part of the preamble.

Mr. Brown moved to lay the motion on the table.

It was not agreed to.

The question recurring on the motion by Mr. Hughes,

It was agreed to.

Mr. Hughes asked unanimous consent to amend the first clause of the preamble.

It was not agreed to.

Mr. Martindale moved to lay the preamble on the table.

Which was agreed to.

Mr. Martindale moved that the Senate do now adjourn.

Which was agreed to.

WEDNESDAY MORNING.

JANUARY 18, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. Robert D. Harper, of the First Presbyterian Church of Indianapolis.

Mr. Scott moved that the reading of the Journal be dispensed with.

Which was not agreed to.

The Journal of yesterday was read and approved.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the Speaker to inform the Senate that the House has passed the following joint resolution, to wit:

A joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law to equalize the bounties of soldiers and seamen of the United States in the war of the rebellion.

In which the Senate is requested to concur.

The question pending at the adjournment of the Senate, being the consideration of joint resolution No. 1, and the pending amendment thereto offered by Mr. Brown.

Mr. Gray demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the amendment to joint resolution No. 1.

The ayes and noes were demanded by Messrs. Brown and Dwiggins.

Those who voted in the affirmative were, Messrs.

Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Scott,
Cave,	Hughes,	Straud,
Denbo,	Johnson,	Williams—24.
Dittemore,		

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Martindale,
Beardsley,	Green,	Miller,
Beeson,	Hadley,	Robinson,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—22.
Fosdick,		

So the amendment was adopted.

The question being on the adoption of joint resolution No. 1, as amended.

Mr. Hughes moved to lay the whole subject on the table.

The ayes and noes were demanded by Messrs. Brown and Dwiggins.

Mr. Hughes voted in the affirmative.

Those who voted in the negative were, Messrs.

Andrews,	Armstrong,	Beardsley,
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Beeson,	Francisco,	Lasselle,
Beggs,	Fuller,	Martindale,
Bobo,	Glessner,	Miller,
Bradley,	Gray,	Morgan,
Brown,	Green,	Robinson,
Carnahan,	Gregg,	Rosebrough,
Cave,	Hadley,	Sarninghausen,
Caven,	Hamilton,	Scott,
Collett,	Henderson,	Steele,
Denbo,	Hess,	Straud,
Dittemore,	Hooper,	Taylor,
Dougherty,	Hubbard,	Wadge,
Dwiggins,	Johnson,	Williams,
Elliott,	Keigwin,	Wood—46.
Fosdick,		

So the motion did not prevail.

The question recurring on the adoption of joint resolution No. 1, as amended.

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Johnson,
Armstrong,	Elliott,	Keigwin,
Beardsley,	Fosdick,	Martindale,
Beeson,	Francisco,	Miller,
Beggs,	Fuller,	Morgan,
Bobo,	Glessner,	Robinson,
Bradley,	Gray,	Rosebrough,
Brown,	Green,	Sarninghausen,
Carnahan,	Gregg,	Scott,
Cave,	Hadley,	Steele,
Caven,	Hamilton,	Straud,
Collett,	Henderson,	Taylor,
Denbo,	Hess,	Wadge,
Dittemore,	Hooper,	Williams,
Dougherty,	Hubbard,	Wood—45.

Mr. Hughes voting in the negative.

So the joint resolution was adopted.

The question being, shall the title of the joint resolution stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Brown moved to reconsider the vote by which joint resolution No. 1 was adopted, and to lay that motion upon the table.

Which was agreed to.

Mr. Elliott, by consent of the Senate, offered the following:

Resolved, That the committee to whom was referred the credentials of the Hon. John W. Burson, be and are hereby requested to report at once.

Mr. Johnson moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Cave and Johnson.

Those who voted in the affirmative were, Messrs.

Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—24.

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—23.
Fosdick,	Martindale,	

So the resolution was laid on the table.

On motion of Mr. Johnson,

The report of the committee on rules was taken up.

Mr. Glessner offered the following amendment to Rule No. 17 of said report:

“That no Senator shall vote on any question in the event of which the record shows he is immediately and particularly interested, or be compelled to vote in any case when he was not present when the question was put; but appearing afterwards, he may, by permission, have his name called and vote.”

Mr. Gray moved to indefinitely postpone the amendment by Mr. Glessner.

Pending the consideration of which,

On motion by Mr. Martindale,

The Senate adjourned.

WEDNESDAY, JANUARY 18, 1871, 2 O'CLOCK.

The Senate met.

The question pending at the adjournment of the Senate being the indefinite postponement of the amendment offered by Mr. Glessner to the report of the committee on rules.

Pending which, a

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the Speaker of the House to inform the Senate that the House has passed Senate Joint Resolution No. 2, “ceding to the United States jurisdiction over certain lands in Jeffersonville, Ind., to be used for military purposes,” and the same is herewith returned to the Senate.

Mr. Dwiggins speaking—

Mr. Hughes asked that the following language uttered by Mr. Dwiggins be taken down:

“That I can conceive of no reason for the introduction of the resolution at this time, other than to prevent the Senator from Delaware from voting. I do not impugn the motives of any Senator.”

Mr. Hughes raised the point of order that the above language was impugning the motives of the Senator offering the resolution.

The Lieutenant Governor decided the point of order not well taken.

Mr. Hughes demanded the previous question.

Upon which Messrs. Hughes and Brown demanded the ayes and noes.

The Secretary proceeded with call.

Those who voted in the affirmative were, Messrs.

Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—24.

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—23.
Fosdick,	Martindale,	

Pending the call of the roll,

Mr. Wadge moved that the name of John W. Burson, Senator from the counties of Delaware and Madison, be called.

Mr. Hughes moved to amend that the Secretary be directed not to call the Senator from Delaware.

Mr. Martindale moved to lay that motion upon the table.

Mr. Hooper raised the point of order, that as the roll call had commenced that the motion of Mr. Wadge to call the Senator from Delaware was out of order.

The chair decided the point of order well taken, and announced the vote.

The demand for the previous question was seconded by the Senate.

The question being upon the indefinite postponement of the amendment to the report offered by Mr. Glessner.

Messrs. Gray and Martindale demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—23.
Fosdick,	Martindale,	

Those who voted in the negative were, Messrs.

Armstrong,	Cave,	Glessner,
Beggs,	Denbo,	Gregg,
Bobo,	Dittemore,	Henderson,
Bradley,	Dougherty,	Hughes,
Brown,	Francisco,	Johnson,
Carnahan,	Fuller,	Keigwin,

Lasselle,	Rosebrough,	Straud,
Morgan,	Sarninghausen,	Williams—24.

So the motion to indefinitely postpone did not prevail.

Mr. Gray moved that the Senate do now adjourn.

The ayes and noes were demanded by one-tenth of the Senate.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—23.
Fosdick,	Martindale,	

Those who voted in the negative were, Messrs.

Armstrong,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Hamilton,	Straud,
Denbo,	Hughes,	Williams—24.
Dittemore,	Johnson,	

So the motion to adjourn did not prevail.

Mr. Martindale moved to lay the amendment offered by Mr. Glessner upon the table.

Messrs. Williams and Johnson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Caven,	Elliott,
Beardsley,	Collett,	Fosdick,
Beeson,	Dwiggins,	Gray,

Green,	Hubbard,	Steele,
Hadley,	Martindale,	Taylor,
Hamilton,	Miller,	Wadge,
Hess,	Robinson,	Wood—23.
Hooper,	Scott,	

Those who voted in the negative were, Messrs.

Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—24.

So the motion to lay upon the table did not prevail.

Mr. Hooper moved that the Senate do now adjourn.

The ayes and noes were demanded by one-tenth of the Senate.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—23.
Fosdick,	Martindale,	

Those who voted in the negative were, Messrs.

Armstrong,	Cave,	Glessner,
Beggs,	Denbo,	Gregg,
Bobo,	Dittemore,	Henderson,
Bradley,	Dougherty,	Hughes,
Brown,	Francisco,	Johnson,
Carnahan,	Fuller,	Keigwin,

Lasselle,	Rosebrough,	Straud,
Morgan,	Sarninghausen,	Williams—24.

So the motion to adjourn did not prevail.

The question being upon the adoption of the amendment offered by Mr. Glessner.

Messrs. Green and Hadley demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Armstrong,	Dougherty,	Johnson,
Beggs,	Francisco,	Keigwin,
Bobo,	Fuller,	Lasselle,
Bradley,	Glessner,	Morgan,
Brown,	Gregg,	Rosebrough,
Carnahan,	Hadley,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—25.
Dittemore,		

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hamilton,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Elliott,	Martindale,	Wood—22.
Fosdick,		

So the amendment to the report was adopted.

The question recurring upon the adoption of the report of the committee as amended.

Mr. Dwiggins demanded a division of the question, so as to vote upon each rule amended separately.

The question being upon the amendment to the first rule.

It was agreed to.

To the question upon the amendment proposed to the sixth rule.

Messrs. Dwiggins and Fosdick demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—24.

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beeson,	Green,	Robinson,
Caven,	Hadley,	Scott,
Collett,	Hamilton,	Steele,
Dwiggins,	Hess,	Taylor,
Elliott,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—21.

So the amendment was adopted.

The question being upon the adoption of the amendment reported to the eighth rule.

Mr. Dwiggins demanded a division of the question.

The question being upon the first part of the amendment.

It was agreed to.

The question being upon the second part of the amendment.

It was agreed to.

The question being on the amendment to rule (21) twenty-one.

It was agreed to.

The question recurring on the adoption of the report of the committee.

It was agreed to.

Mr. Dwiggins moved that the Senate do now adjourn.

The ayes and noes were demanded by one-tenth of the Senators.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Miller,
Beeson,	Hadley,	Robinson,
Caven,	Hamilton,	Scott,
Collett,	Hess,	Steele,
Dwiggins,	Hooper,	Taylor,
Elliott,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—22.
Gray,		

Those who voted in the negative were, Messrs.

Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—24.

So the motion to adjourn did not prevail.

Mr. Hughes moved to reconsider the vote by which the Senate adopted the report of the committee as amended, and then moved to lay that motion on the table.

Messrs. Wadge and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—24.

Those who voted in the negative were, Messrs.

Andrews,	Green,	Miller,
Beeson,	Hadley,	Robinson,
Caven,	Hamilton,	Scott,
Collett,	Hess,	Steele,
Dwiggins,	Hooper,	Taylor,
Elliott,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—22.
Gray,		

So the motion to reconsider and lay on the table prevailed.

Mr. Brown moved that two hundred copies of the rules as adopted, including the standing committees, be printed.

It was agreed to.

On motion by Mr. Fosdick,
The Senate adjourned.

THURSDAY MORNING.

JANUARY 19, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. Benjamin Franklin, of Christ Church, Indianapolis.

The Journal of yesterday was read and approved.

The President laid before the Senate the printed biennial report of the Agent of State.

Which was referred to the committee on finance.

The President laid before the Senate two messages from the Governor, by John M. Commons, Private Secretary :

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, JANUARY 18, 1871.

MR. PRESIDENT :

By direction of the Governor, I have the honor to transmit herewith a communication and accompanying documents in regard to the acquisition by the United States of real estate in this State for public purposes.

JOHN M. COMMONS,
Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, JANUARY 17, 1871.

Gentlemen of the Senate and House of Representatives :

I herewith respectfully transmit for your consideration a communication from Hon. Wm. W. Belknap, Secretary of War, in relation to obtaining the consent of the General Assembly to the purchase

by, or donation to the United States, of lands within this State, for National Soldiers' Cemeteries.

I also transmit herewith a copy of the Act of Congress referred to in said communication.

I likewise transmit herewith a communication from Rear Admiral H. B. Shubrick, of the United States Navy, Chairman of the Light-House Board, asking for legislation on the part of this State, providing for the acquisition and enjoyment of lands within this State, by the United States, for light-house purposes.

I respectfully recommend that such an act will be adopted by the General Assembly as will enable the United States to acquire and to enjoy lands in this State, for all purposes contemplated by the constitution and laws of the United States, and especially for National Soldiers' Cemeteries and for light-house purposes. As both objects can be embraced by a single act, I have prepared a bill entitled "An act to provide for the acquisition and enjoyment by the United States of lands within this State for public purposes," and will place a copy thereof in the hands of one member of each House, to be submitted for your consideration.

CONRAD BAKER.

WAR DEPARTMENT,
WASHINGTON, D. C., AUGUST 10, 1870.

To the Governor of the State of Indiana, Indianapolis:

SIR: In compliance with section 2 of the act entitled "An act to amend an act entitled an act to establish and to protect National Cemeteries," approved July 1, 1870, requiring me to do so, I have the honor to inclose a copy of the act referred to, with the request that you make application at as early a date as practicable to the Legislature of your State, for its consent to the purchase by or donation to the United States, of the National Soldiers' Cemeteries at Indianapolis (Crown Hill,) and New Albany, Ind.

I am, Governor, very respectfully,

Your obedient servant,

WM. W. BELKNAP,
Secretary of War.

[PUBLIC, No. 131.]

AN ACT to amend an act entitled "An act to establish and protect National Cemeteries."

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from the time any State Legislature shall have given, or shall hereafter give, the consent of such State to the purchase of the United States, to any National Cemetery mentioned in the act entitled "An act to establish and protect National Cemeteries," approved February 22, 1867, the jurisdiction and power of legislation of the United States over such Cemetery, shall, in all courts and places, be held to be the same as is granted by section eight, Article one, of the Constitution of the United States; and all the provisions of said act of February 22, 1867, shall be applicable to the same.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Secretary of War to cause copies of this present act to be sent to the Governors of all such States wherein any of such National Cemeteries may be situated, to the end that the Legislatures of such States may give the consent herein mentioned.

Approved July 1, 1870.

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
WASHINGTON, OCT. 13, 1870.

To His Excellency, the Governor of the State of Indiana:

SIR: The Light House Board of the United States desires to submit, through you and with your favorable recommendation, to the Senate and Assembly of the State of Indiana, the inclosed two drafts of acts, with the hope that they may become laws of the State.

These drafts submitted to you are designed to show to your Excellency the nature of the acts which it is desirable should become laws of the State; but any other phraseology may be adopted, provided the objects desired are arrived at. They are similar to laws which have been in force in various States for many years, and are drafted to refer only to sites for light-house purposes of the United States. These acts are:

1st. An act giving the consent of the Legislature of the State to the purchase by the United States of land within the State for light-house purposes.

2d. An act providing for the acquirement by the United States of lands for light-house purposes, in cases of disagreement with the owners thereof, by means of a jury for condemnation or otherwise. The Act of Congress, approved May 15, 1820, requires "that no light-house, beacon, nor landmark, shall be built or erected on any site previous to the cession of jurisdiction over the same being made to the United States;" so that an act of consent to purchase, or of cession of jurisdiction, must, in every case, precede the construction of a light-house or beacon.

By act of Congress, approved the 12th of July, 1870, providing for the annual reversion of balances into the Treasury on the 1st of July, appropriations for the construction of light-houses are available only during the year following the act of appropriation; and if the moneys appropriated are not used in that time, they revert to the Treasury of the United States.

The fiscal year for which moneys are appropriated commences on the first of July, and ends on the following thirtieth of June, and it very often happens that so much time intervenes between the passage of the act of appropriation and the session of the Legislature of the State where the light-house is to be erected, in cases when special acts of cession are necessary, as to seriously embarrass the Light-House Board in the construction of light-houses in the time limited as above mentioned.

In regard to the second act I would observe, that an act providing for the acquisition of light-house sites, in cases of disagreement as to price between the United States and the owners thereof, is very often necessary on account of the cupidity of the latter, who are willing to take advantage of the necessities of commerce to demand exorbitant prices for their lands. It has happened that the construction of light-houses has been delayed for years on this account, and in the meantime there has resulted loss of life and property.

If in their wisdom the Legislature of the State of Indiana should deem it desirable to enact laws similar to the drafts which I inclose, the duties of this Board in the construction of the aids to navigation with which it is charged will be facilitated, and they will expedite the construction of the works which it is the design of the Board to recommend to Congress for the coast of your State.

This will be handed to you by Brevet Brigadier General O. M.

Poe, Corps of Engineers, U. S. A., Engineer of the Eleventh Light-House District.

Very respectfully,

W. B. SHUBRICK,

Rear Admiral U. S. N., and Chairman.

Which, with accompanying documents, was,

On motion,

Referred to the committee on Federal relations.

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, January 18, 1871.

MR. PRESIDENT:

I have the honor, by direction of the Governor, to transmit herewith a communication and accompanying documents as to the rights of French and Bavarian subjects to hold, transmit and owning real estate situated in the United States, on the same terms and conditions that citizens of the United States may hold, transmit and convey real estate situated in France and Bavaria respectively.

JOHN M. COMMONS,

Private Secretary.

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, January 18, 1871.

Gentlemen of the Senate and House of Representatives:

I have the honor herewith to transmit for your consideration a communication from Hon. Carl A. G. Adae, Consul of Bavaria, resident at Cincinnati, Ohio, in relation to so much of the treaty between the United States and the Kingdom of Bavaria, of November 14, 1845, as refers to the rights of citizens of either country to inherit property in the other.

I also submit herewith copies of such parts of the aforesaid treaty as relates to the same subject. Also, a copy of section 13 of the first amendment to the Constitution of Bavaria, which gives to the citizens of foreign governments the right to own real estate in Bavaria to the same extent that Bavarian subjects may do. I respectfully recommend that our laws on the subject of alienage be

so adjusted as to allow aliens who are non-residents of the United States to take either by descent or devise (but not otherwise) real estate situated in this State, and to hold the same for a limited period, say five years, and requiring such real estate within such period to be transferred or conveyed to a citizen of the United States, or to an alien who is a *bona fide* resident of the United States. I also herewith transmit a communication from Hon. Hamilton Fish, Secretary of State of the United States, in relation to the Consular Convention with France, of February 23, 1853, in relation to the right of French subjects to hold real estate in the several States of the Union.

I also herewith transmit a copy of the 7th article of said Convention, having relation to the same subject.

I respectfully recommend that our laws be modified on the subject of alienage to the extent hereinbefore suggested.

CONRAD BAKER.

CONSUL FOR BAVARIA, WURTEMBERG, BADEN AND HESSE,
CINCINNATI, September 28, 1869.

To His Excellency, the Governor of Indiana :

SIR: The Royal Bavarian Government has transmitted to me an extract of the treaty between the Kingdom of Bavaria and the United States of America, executed November 4th, 1845, relative to the rights of citizens of the one country to inherit property in the other. Since the conclusion of that treaty several of our States have altered their statutes, giving a more liberal interpretation to the provisions of that treaty—one State, Iowa, going even so far as to remove all disqualifications of foreigners in regard to inheritance of real or personal property. This is in fact no more than reciprocating what the Bavarian Government has done long since, as appears from an extract from the Constitution of the State of Bavaria, which, together with the other two extracts already mentioned, are herewith inclosed.

I take the very great liberty most respectfully to ask your Excellency to peruse these documents, and to inform me whether and in what sense the Constitution of the State of Indiana has been amended since the conclusion of the treaty of 1845. The point more especially to be ascertained would be, whether, according to

the present statutes, a citizen of Bavaria could inherit real estate and personal property in Indiana the same as one of our citizens.

Pardon me in thus trespassing on your well known courtesy, and believe to be, sir, with highest regards,

Your obedient servant,

CARL A. G. ADAE,

Consul of Bavaria, etc.

Extract from the Treaty between the Kingdom of Bavaria and the United States of America, executed November 4, 1845.

ART. II. Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a subject or citizen of the other, were he not disqualified by alienage, such subject or citizen shall be allowed a term of two years to sell the same, which term may be reasonably prolonged according to circumstances, and to withdraw the proceeds thereof without molestation, and exempt from all duties of detraction.

ART. III. The subjects and citizens of each of the contracting parties shall have power to dispose of their personal property within the States of the other by testament, donation, or otherwise; and their heirs, legatees, and donees, being subjects or citizens of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ART. IV. In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property, as would be taken in a like case of property belonging to the natives of the country until the lawful owner, or the person who has a right to sell the same, according to article second, may take measures to receive or dispose of the inheritance.

Extract from the Constitution of the State of Bavaria.

PAR. 13. Citizens of foreign governments can own real estate in the Kingdom of Bavaria, as well as the Royal subjects. In this they are both subject to the same duties and regulations.

DEPARTMENT OF STATE,
WASHINGTON, May 9th, 1870.

To His Excellency, the Governor of the State of Indiana :

SIR: On the 19th of October, 1853, a circular letter was addressed by the Secretary of State to the Governors of the several States, which was accompanied by a copy of the Consular Convention with France of the 23d of February of that year, and which communicated, in compliance with the 7th article thereof, the President's recommendation that, if pursuant to then existing laws, French subjects were not then allowed to hold real estate in any State that right might be conferred upon them. I will thank your Excellency to inform me what was the decision of your State upon the recommendation referred to. In the event that no legislative provision conforming to the recommendation shall have been made, I am directed by the President to repeat the same, and to suggest that the proposal be submitted to the Legislature of the State of Indiana at the earliest opportunity. For your convenience I annex hereunto a copy of the 7th article of the Convention which relates to this subject. I also annex a translation of a note of the 22d instant, from the Minister of France, on the subject to which I invite your favorable attention.

I have the honor to be,

Your Excellency's obedient servant,

HAMILTON FISH.

WASHINGTON, April 22, 1870.

Mr. Secretary of State :

The Legislature of Alabama has recently passed a law which, in accordance with the Consular Convention signed by France and the United States on the 23d of February, 1853, concedes to French subjects the right of possessing personal property and real estate, and to dispose of the same as American citizens are allowed to do, without being subjected to other taxes than those which are paid by the latter. Moreover, giving to this law a retroactive effect, the State of Alabama gives up, in favor of the heirs, the rights to which it may have acquired, by virtue of former legislation, to the property of French subjects deceased since the date of the Convention

of 1853. The parties interested may, consequently, recover by law the property in question, with the exception, however, of such as has already been sold.

The government of the Emperor has learned with the greater satisfaction of the passage of these measures, inasmuch as it thinks it may, in view of this, request the government of the United States to be pleased, so far as this depends upon it, to promote the adoption of similar measures on the part of the various States of the Union, which have not yet fulfilled, so far as they are concerned, the promise of reciprocity contained in article 7 of the Convention, and caused their domestic legislation to conform to this engagement.

In obedience to the instructions addressed to me on this subject by my government, I likewise take the liberty to have recourse to your kind offices, in order to obtain a correct list of the States, besides Alabama, in which the aforesaid measures are henceforth to be applied.

Be pleased to accept, Mr. Secretary of State,

The assurances of my very high consideration,

BERTHEMY.

HON. HAMILTON FISH, ETC.

ARTICLE VII. In all the States of the Union whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property, by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance or any others different from those paid by the latter, or to taxes which shall not be equally imposed. As to the States of the Union by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right. In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the government of France accords to the citizens of the United States the same rights within its territory, in respect to real and

personal property and to inheritance, as are enjoyed there by its own citizens.

Which, with accompanying documents, was,

On motion,

Referred to the committee on the judiciary.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Beeson presented a petition from sundry citizens of the State asking for enactment of laws for the following objects:

1. To create a board of supervisors (upon which there shall be at least three women) to inspect and watch over the condition of the prisons, reformatories, and benevolent institutions.

2. To pass a law for the improvement of county jails.

3. To take the initiatory steps at the present session for the erection of an intermediate State prison.

Which was,

On motion,

Referred to the committee on State prisons.

Mr. Beeson presented a petition from sundry citizens of Wayne county, asking for the repeal of all divorce laws of our State, except that which provides for a legal separation of husband and wife for the crime of adultery.

Which was,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Mr. Bradley presented the printed biennial report of the trustees of the State University.

Which was,

On motion,

Referred to the committee on education.

Mr. Hughes presented a petition from W. F. Browning, in behalf of sundry citizens of Bloomington and vicinity, asking their Rep-

representatives in the General Assembly to urge the passage of an amendment to the present liquor law.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Gregg presented a petition from sundry citizens of Dearborn county, asking the enactment of a law prohibiting persons from entering upon the lands of others to hunt, without permission from the owners.

Which was,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Mr. Keigwin presented a petition from sundry attorneys from Floyd and other counties, asking for an increase in the pay of judicial officers.

Which was,

On motion,

Referred to committee on fees and salaries.

Mr. Dougherty presented a petition from sundry legal voters of Wells county, asking for the passage of a law suppressing the traffic in intoxicating liquors as a beverage.

Which was,

On motion,

Referred to the committee on temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. Dougherty, from the committee on military affairs, made the following report:

MR. PRESIDENT:

Your committee, to whom was referred Senate Joint Resolution No. 4, "A joint resolution giving lands to soldiers and seamen of the late war," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Gregg moved that the order of business be suspended, that the resolution may be put upon its passage.

Which was agreed to.

The question being on the adoption of the resolution.

Mr. Gray moved to amend by saying "Union army."

Which was accepted by Mr. Gregg.

Mr. Bradley moved to amend by saying, "the Federal army or navy of the United States."

Which was agreed to, in lieu of Mr. Gray's amendment.

The question recurring on the adoption of the joint resolution, as amended.

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Johnson,
Andrews,	Elliott,	Keigwin,
Armstrong,	Fosdick,	Lasselle,
Beardsley,	Francisco,	Martindale,
Beeson,	Fuller,	Miller,
Beggs,	Glessner,	Morgan,
Bobo,	Gray,	Robinson,
Bradley,	Green,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Hadley,	Scott,
Cave,	Hamilton,	Steele,
Caven,	Henderson,	Straud,
Collett,	Hess,	Wadge,
Denbo,	Hooper,	Williams,
Dittemore,	Hubbard,	Wood—47.
Dougherty,	Hughes,	

None voting in the negative.

So the joint resolution, as amended, was adopted.

Ordered, That the Secretary inform the House thereof.

Mr. Johnson, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. PRESIDENT:

The committee to which was referred Senate Bill No. 2, "A bill to prevent hunting or shooting within inclosures without the consent of the owners thereof, and fixing a penalty therefor," have had the same under consideration, and have directed me to report the same back to the Senate with the following amendments, and when so amended, recommend its passage.

Amend the second section of the bill by inserting after the word "stock," in the second line," the following: "Or injure any other property belonging to another."

Further amend by striking out section 3.

Mr. Keigwin moved to lay the report and bill on the table.

The ayes and noes were demanded by Messrs. Johnson and Hadley.

Those who voted in the affirmative were, Messrs.

Alsop,	Brown,	Henderson,
Armstrong,	Francisco,	Hooper,
Beardsley,	Glessner,	Keigwin,
Beggs,	Gray,	Wood—13.
Bobo,		

Those who voted in the negative were, Messrs.

Andrews,	Dwiggins,	Hughes,
Beeson,	Elliott,	Johnson,
Bradley,	Fosdick,	Martindale,
Carnahan,	Fuller,	Miller,
Cave,	Green,	Morgan,
Caven,	Gregg,	Robinson,
Collett,	Hadley,	Rosebrough,
Denbo,	Hamilton,	Sarninghausen,
Dittemore,	Hess,	Scott,
Dougherty,	Hubbard,	Steele,

Straud,
Taylor,

Wadge,

Williams—34.

So the motion to lie upon the table did not prevail.

Mr. Bradley moved that the bill, with amendments reported thereto, be referred to the committee on the rights and privileges of the inhabitants of the State.

Mr. Dittemore moved to lay that motion upon the table.

Which was not agreed to.

Mr. Brown moved to amend the bill so that it shall not take effect unless the owner of the land has a sufficient number of notices posted on the same, forbidding persons from hunting on their lands.

Mr. Hamilton moved to lay the amendment on the table.

It was agreed to.

The question recurring on the motion of Mr. Bradley to recommit.

Mr. Dittemore demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, on the motion to recommit?

It was not agreed to.

Mr. Martindale moved that the report of the committee, with amendments, be concurred in.

Mr. Bradley moved to amend the second section by inserting after the word "shall," in first line, the words "maliciously or mischievously."

Mr. Hughes offered the following amendment to the amendments, reported by the committee:

SEC. —. Any person or persons who shall trespass upon inclosed lands of another, by walking through or over the same, without license, after being notified of the objection of the owner or

occupant of said lands, either personally or by notices properly posted, to the number of three or more to any one inclosure, the posting of which shall be deemed equivalent to personal notice, shall be deemed guilty of a malicious trespass, and on conviction thereof shall be punished as in other cases of malicious trespass.

The question recurring upon the motion to concur in the report, with pending amendments.

It was agreed to.

The question then recurring upon the amendments offered by Mr. Bradley.

Pending the consideration of which,

On motion by Mr. Green,
The Senate adjourned.

THURSDAY, JANUARY 19, 1871, 2 O'CLOCK.

The Senate met.

The question pending at the adjournment, being the consideration of the amendments offered by Mr. Bradley.

Mr. Wood moved that the amendments offered by Mr. Bradley be laid upon the table.

The ayes and noes were demanded by Messrs. Bradley and Hughes.

Those who voted in the affirmative were, Messrs.

Andrews,	Denbo,	Hadley,
Armstrong,	Dittemore,	Hamilton,
Beeson,	Dougherty,	Hess,
Bobo,	Dwiggins,	Hubbard,
Carnahan,	Francisco,	Hughes,
Cave,	Fuller,	Johnson,
Caven,	Green,	Martindale,
Collett,	Gregg,	Miller,

Morgan,	Straud,	Williams,
Robinson,	Taylor,	Wood—32.
Sarninghausen, .		

Those who voted in the negative were, Messrs.

Alsop,	Fosdick,	Keigwin,
Beardsley,	Glessner,	Rosebrough,
Beggs,	Gray,	Scott,
Bradley,	Henderson,	Steele—14.
Brown,	Hooper,	

So the motion to lay upon the table was agreed to.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 11, entitled a bill fixing the beginning of the terms of the Court of Common Pleas in Dearborn county, in the Fifth Judicial District.

In which the concurrence of the Senate is requested.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 10, entitled a bill to amend section 1 of an act to amend section 43 of an act entitled "An act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved July 17, 1852, approved February 19, 1869.

In which the Senate is requested to concur.

The question recurring upon the adoption of the amendments offered by Mr. Hughes.

Which were agreed to.

S. J.—14

Mr. Collett offered the following amendment :

The provisions of sections 1 and 2 of this act shall apply to roads and highways running through or along inclosed lands.

Mr. Martindale offered the following amendment :

By inserting in section 1, line 7, after the word "person," the following: "Or who shall shoot into such inclosure from a public highway."

Which was accepted by Mr. Collett as a substitute for the amendment offered by himself.

By consent of the Senate,

Mr. Williams offered the following resolution :

Resolved, That the special committee on elections have leave of absence from the Senate from 3 o'clock P. M., for the remainder of the day, and that they be authorized to employ a clerk.

Which was adopted.

Mr. Brown moved to lay the amendment offered by Mr. Martindale on the table.

Which was not agreed to.

Mr. Brown demanded the previous question,

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, upon the adoption of the amendment offered by Mr. Martindale.

Messrs. Dwiggins and Martindale demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,
Armstrong,
Beeson,
Carnahan,

Fuller,
Gray,
Green,
Gregg,

Hadley,
Hamilton,
Hubbard,
Hughes,

Johnson,	Robinson,	Taylor,
Martindale,	Sarninghausen,	Williams—20.
Miller,	Scott,	

Those who voted in the negative were, Messrs.

Alsop,	Denbo,	Hess,
Beardsley,	Dittemore,	Hooper,
Beggs,	Dougherty,	Keigwin,
Bobo,	Dwiggins,	Morgan,
Bradley,	Elliott,	Rosebrough,
Brown,	Francisco,	Steele,
Cave,	Glessner,	Straud,
Caven,	Henderson,	Wood—25.
Collett,		

So the amendment was not adopted.

Mr. Hughes moved to amend the title of the bill by adding, "and to prevent trespassing upon inclosed lands."

Which was agreed to.

Mr. Scott moved to amend by inserting after the word "fined" the following: "In any sum not exceeding double the injury inflicted or damage done, and may be imprisoned until fine and costs are paid or replevied."

Which was agreed to.

Mr. Dwiggins moved to amend by striking out "five," and inserting "one," so that the penal clause will read, "not less than one nor more than fifty dollars."

Mr. Johnson moved to amend the amendment by striking out "one" and inserting "three."

Which was not agreed to.

The question recurring upon the adoption of the amendment offered by Mr. Dwiggins.

The ayes and noes were demanded by Messrs. Fuller and Brown.

Those who voted in the affirmative were, Messrs.

Andrews,	Fosdick,	Keigwin,
Beardsley,	Gray,	Miller,
Bobo,	Gregg,	Rosebrough,
Bradley,	Hadley,	Sarninghausen,
Brown,	Hamilton,	Scott,
Cave,	Henderson,	Strand,
Caven,	Hess,	Taylor,
Dougherty,	Hooper,	Williams,
Dwiggins,	Hubbard,	Wood—31.
Elliott,	Hughes,	

Those who voted in the negative were, Messrs.

Armstrong,	Dittmore,	Martindale,
Beeson,	Fuller,	Morgan,
Beggs,	Green,	Robinson,
Carnahan,	Johnson,	Steele—13.
Collett,		

So the amendment was adopted.

The bill was then read a second time.

Mr. Johnson moved that the bill be ordered engrossed, and passed to a third reading on to-morrow, and upon that motion demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being upon the engrossment of Senate Bill No. 2.

It was agreed to.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the Speaker of the House to inform the Senate

that the House has passed the following concurrent resolution, in which the Senate is requested to concur, to wit:

Resolved, That the Hall of the House of Representatives be and the same is hereby tendered to the ladies, who desire to present a memorial on the subject of female suffrage to the joint session of the Legislature, on Friday afternoon, January 20, 1871, at three o'clock, provided the Senate concur.

Mr. Beeson moved that the Senate take up the foregoing concurrent resolution.

Which was agreed to.

Mr. Hughes moved that the Senate concur therein.

Which was agreed to.

Mr. Martindale moved to take up House concurrent resolution in relation to the publication of the Governor's message.

Which was agreed to, and the resolution concurred in by the Senate.

Mr. Hadley offered the following preamble and resolutions:

WHEREAS, A difference of opinion exists, not only between Senators, but between distinguished lawyers of this State, upon the question of the State's primary liability to pay off the old bonds of the State not surrendered under the Butler bills; and

WHEREAS, A cause is now pending in the Carroll Circuit Court seeking to subject the Wabash and Erie Canal and other public works of the State to sale, for the payment of certain of the old internal improvement bonds, to which cause the State is not a party, and can exercise no right of appeal to the court of resorts; and

WHEREAS, The sale of said canal from the hands of the Trustees thereof, and a sequestration of its revenues, might seriously embarrass the State, and complicate the adjustment under the Butler bills; and

WHEREAS, There is no legislation of this State providing for any contingency that may arise out of the foregoing premises; therefore,

Be it resolved, That the Attorney General of this State be and he

is hereby requested to submit to the Senate, at the earliest practicable day, his written opinion upon the nature and extent of the State's liabilities upon its bonds issued prior to the year 1841, and not surrendered under the provisions of the legislation of 1846-7, known as the Butler bills.

Resolved, That a copy of this resolution and preamble be certified to by the President of the Senate, and forwarded without delay to the Attorney General.

Mr. Hughes moved to lay the resolutions upon the table.

The ayes and noes were demanded by Messrs. Hughes and Cave.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Hughes,
Andrews,	Dittemore,	Johnson,
Beardsley,	Dougherty,	Keigwin,
Beeson,	Francisco,	Morgan,
Beggs,	Fuller,	Robinson,
Bobo,	Glessner,	Straud,
Carnahan,	Gregg,	Williams—23.
Cave,	Henderson,	

Those who voted in the negative were, Messrs.

Armstrong,	Gray,	Miller,
Bradley,	Green,	Robinson,
Brown,	Hadley,	Rosebrough,
Caven,	Hamilton,	Sarninghausen,
Collett,	Hess,	Scott,
Dwiggins,	Hooper,	Steele,
Elliott,	Hubbard,	Taylor,
Fosdick,	Martindale,	Wood—24.

The question recurring upon the adoption of the resolution.

Messrs. Hughes and Rosebrough demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Beeson,	Brown,	Collett,
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Dwiggins,	Hamilton,	Robinson,
Elliott,	Hess,	Scott,
Fosdick,	Hooper,	Steele,
Gray,	Hubbard,	Taylor,
Green,	Martindale,	Wood—20.
Hadley,	Miller,	

Those who voted in the negative were, Messrs.

Alsop,	Caven,	Henderson,
Andrews,	Denbo,	Hughes,
Armstrong,	Dittemore,	Johnson,
Beardsley,	Dougherty,	Keigwin,
Beggs,	Francisco,	Morgan,
Bobo,	Fuller,	Rosebrough,
Bradley,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Straud—25.
Cave,		

So the resolutions were not adopted.

Mr. Dwiggins offered the following resolution:

Resolved, That Bowen, Stewart & Co., through whom the House made a similar order, be and they are hereby authorized to procure from the publishers and have placed on the desks of the Senators, one copy each of Wilson's Digest of Parliamentary Law.

Mr. Martindale moved to amend as follows:

"The same to be deposited at the close of the session with the State Librarian."

Mr. Brown moved to lay the amendment upon the table.

Which was agreed to.

The question being upon the adoption of the resolution.

Mr. Hughes moved to lay the resolution upon the table.

Which was agreed to.

Mr. Dittemore offered the following:

Resolved, That from and after the passage of this resolution the

following papers heretofore ordered by the Senate shall be discontinued, to wit: Daily Commercial, Evening News, and Indiana American.

Which was agreed to.

Mr. Glessner offered the following:

Resolved, That the Secretary be directed to have a copy of the Constitution of the State printed with the standing rules.

Which was agreed to.

Mr. Henderson offered the following:

Resolved, That the concurrent resolution of the Senate, providing for the election of Trustees and Commissioners of the Benevolent Institutions, be taken up and the amendment of the House concurred in.

Which was agreed to.

Mr. Dittmore offered the following amendment to the Senate concurrent resolution, providing for the election of Trustees and Commissioners of the Benevolent Institutions:

Strike out "Wednesday, January 18th," and insert "Friday, January 20th, at eleven o'clock A. M.," in which the concurrence of the House is requested.

Which was agreed to.

Mr. Williams offered the following:

Resolved, That the committee on finance be authorized to occupy the room at the head of the stairway, at the south-east part of the State House, and are authorized to employ a clerk.

It was agreed to.

Mr. Armstrong offered the following preamble and resolution:

WHEREAS, By the creation, from time to time, of new and small judicial circuits and districts by act of the General Assembly of this State, the same has become unequally divided for judicial purposes; therefore,

Resolved, That the committee on organization of courts be and is hereby instructed to prepare and report a bill for a general redistricting of the State for judicial purposes.

Mr. Glessner offered the following:

Amend so as to read:

That the committee on the organization of courts be and they are hereby instructed to inquire into the expediency of redistricting the State for judicial purposes, and report by bill or otherwise.

Mr. Bobo moved to amend the resolution by striking out and inserting:

That the President of the Senate appoint a committee of three, whose duty it shall be to prepare and report a bill districting the State for all judicial purposes, and that they report to the Senate at the next General Assembly.

Which was agreed to as a substitute for Mr. Glessner's amendment.

Mr. Hughes offered the following:

Resolved, That a committee of four Senators, with Senator Bobo as chairman, be and the same is hereby appointed to redistrict the State for judicial purposes, to report by bill or otherwise to the next session of the General Assembly.

Mr. Bobo moved that the resolution and pending amendments be postponed, and made the special order for Tuesday next, at half-past two o'clock.

It was agreed to.

Mr. Martindale introduced

Senate Joint Resolution No. 5. A joint resolution instructing our Senators and requesting our Representatives to use all means in their power to procure an abolition of a per capita tax upon foreign emigrants to the United States.

The question being on the adoption of the resolution.

Mr. Martindale moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the resolution.

Mr. Hughes moved to reconsider the vote by which the previous question was ordered.

Messrs. Martindale and Gray demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Hughes,
Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Rosebrough,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—24.

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Martindale,
Beardsley,	Green,	Miller,
Beeson,	Hadley,	Robinson,
Caven,	Hamilton,	Scott,
Collett,	Hess,	Steele,
Dwiggins,	Hooper,	Taylor,
Elliott,	Hubbard,	Wood—22.
Fosdick,		

So the motion to reconsider prevailed.

Mr. Brown moved to refer the resolution offered by Mr. Martindale to the committee on Federal relations.

It was agreed to.

Message from the House, by Mr. Holmes, clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the following joint resolution, to wit:

House Joint Resolution No. —. A joint resolution instructing our Senators and requesting our Representatives of the State of Indiana, in the Congress of the United States, to use their influence to secure the abolition of the franking privilege.

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives in Congress requested to use all their influence to secure the passage of a law for the abolition of the franking privilege.

On motion by Mr. Hooper,
The Senate adjourned.

FRIDAY MORNING.

JANUARY 20, 1871, 10 O'CLOCK.

The Senate met.

Prayer by the Rev. C. W. Martindale, of the Methodist Church, and President of the State Temperance Alliance.

Pending the reading of the Journal of yesterday,

Mr. Fuller moved that the further reading thereof be dispensed with.

Which was agreed to.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

By unanimous consent of the Senate,

Mr. Sarnighausen moved that the vote by which the joint resolution in relation to printing the Governor's message, was concurred in, be reconsidered.

Which was agreed to.

Mr. Sarnighausen moved to amend the resolution by striking out "fifteen hundred" and inserting "two thousand in German."

Which was agreed to.

The resolution, as amended, was then adopted.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the Speaker of the House to inform the Senate that the House has adopted the following resolution:

Resolved, That the members of the Senate be and are hereby invited to meet with the members of the House at three o'clock this

afternoon, to hear the address and memorial of the ladies upon the question of female suffrage.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed engrossed House Bill No. 3, entitled "An act to fix the time of holding the Circuit Court in the several counties of the Third Judicial Circuit, and repealing all laws in conflict therewith, and declaring an emergency."

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed engrossed House Bill No. 84, entitled "A bill to prevent prize fighting, and prescribing punishment therefor," in which the Senate is requested to concur.

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed engrossed Senate Bill No. 1, without amendment. "A bill to legalize bonds of cities issued to aid in the construction of water works, and sale and hypothecation of such bonds; to legalize all orders, resolutions, and ordinances of cities, for the construction of water works, and all acts done and contracts made under and in pursuance thereof; and to authorize the issuing and sale of bonds and negotiating of temporary loans to raise money, and to carry out and comply with contracts heretofore made, for the establishment and construction of water works, and to fully complete said works."

Mr. Keigwin presented a petition from the practicing attorneys of the counties of Orange, Scott, and Jackson, asking an increase of pay for judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Glessner presented a petition from practicing attorneys of the

county of Shelby, asking for a law increasing the pay of judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Gregg presented a petition from the practicing attorneys of the county of Dearborn, asking an increase of pay for judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Dittmore moved that Mr. Sarninghausen's name be added to the committee on emigration.

Which was agreed to.

Mr. Robinson presented a petition from sundry citizens of Adams township, Decatur county, praying for a repeal of the present license law for ardent spirits.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Alsop presented a petition from sundry citizens of Clay county, praying for the amendment of the law for the "re-location of county seats."

Which was,

On motion,

Referred to the committee on county and township business.

Mr. Robinson presented a petition from citizens of Adams township, Decatur county, praying for a law suppressing the traffic in intoxicating liquors as a beverage.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Collett presented a petition from John T. Campbell, asking for a change in the road law.

Which was,

On motion,

Referred to the committee on roads.

By unanimous consent of the Senate,
Mr. Collett introduced

Senate Bill No. 84. A bill to authorize the election of a county engineer and three road commissioners, and the appointment of an examiner of county engineers, and defining their qualifications and duties; and providing for the laying out, locating, changing and vacating, constructing, repairing and maintaining public highways, and for levying, collecting and expending road tax; and repealing all laws in conflict therewith.

Which was read a first time.

Mr. Hughes moved that the bill lie upon the table and that two hundred copies thereof be printed.

Mr. Carnahan moved to lay that motion upon the table.

Which was not agreed to.

The question recurring upon the motion of Mr. Hughes to print two hundred copies.

It was agreed to.

Messrs. Denbo and Andrews asked and obtained leave of absence until Tuesday evening next.

By unanimous consent
Mr. Hamilton introduced

Senate Bill No. 85. A bill fixing the compensation of clerks, sheriffs, auditors, treasurers and recorders of the several counties in this State, to repeal all laws conflicting with the provisions of this act and to declare an emergency.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent of the Senate,
Mr. Steele introduced

Senate Bill No. 86. A bill to protect the Wabash and Erie Canal and the tolls and revenues thereof from sale or sequestration for the

satisfaction of any lien anterior in point of date to the transfer of said canal to the trustees in 1847.

Which was read a first time.

Mr. Brown moved to reject the bill.

Mr. Scott moved to postpone the further consideration of the bill, and the pending motion to reject, and make them the special order for Wednesday next at two o'clock P. M.

Which was agreed to.

Message from the House by Mr. Holmes, clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker to inform the Senate that the House has adopted the following Senate concurrent resolution, to wit :

Resolved by the Senate of the State of Indiana (the House of Representatives concurring,) that the two Houses of the General Assembly shall proceed by concurrent vote on Friday January 20th, 1871, at 11 o'clock A. M., to choose Trustees for the Asylum of the Blind, a Trustee for the Institution for the Education of the Deaf and Dumb, and a Commissioner for the Hospital of the Insane.

SPECIAL ORDER.

The election of officers for the benevolent institutions by a concurrent vote being the special order for this hour.

The President announced that nominations for Trustee of the Blind Asylum, were in order.

Mr. Henderson put in nomination, Mr. Cass Byfield, of Johnson county.

Mr. Caven put in nomination, Mr. J. S. Spann, of Marion county.

The Secretary proceeded to call the roll.

Those who voted for Mr. Byfield were, Messrs.

Armstrong,

Beggs,

Bobo,

Bradley,	Francisco,	Keigwin,
Brown,	Fuller,	Lasselle,
Carnahan,	Glessner,	Morgan,
Cave,	Gregg,	Rosebrough,
Denbo,	Henderson,	Sarninghausen,
Dittemore,	Hughes,	Straud,
Dougherty,	Johnson,	Williams—24.

Those who voted for Mr. Spann were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Hadley,	Robinson,
Beeson,	Hamilton,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—22.
Gray,		

The President announced that Mr. Byfield had received a majority of all the votes given on the part of the Senate for trustee of the Blind Asylum.

Nominations for Trustee of the Deaf and Dumb Asylum being in order,

Mr. Dittemore put in nomination Mr. Wm. R. Hogshire, of Marion county.

Mr. Andrews put in nomination Mr. James C. Burke, of Jennings county.

The Secretary proceeded to call the roll.

Those who voted for Mr. Hogshire were, Messrs.

Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—24.

Those who voted for Mr. Burke were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Hadley,	Robinson,
Beeson,	Hamilton,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—22.
Gray,		

The President announced that Mr. Hogshire had received a majority of all the votes given, on the part of the Senate, for Trustee of the Deaf and Dumb Asylum.

Nominations for Trustee of the Insane Asylum being in order,

Mr. Williams put in nomination of Mr. John M. Caldwell, of Marion county.

Mr. Hubbard put in nomination Mr. Lewis Humphreys, of St. Joseph county.

The Secretary proceeded to call the roll.

Those who voted for Mr. Caldwell were, Messrs.

Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—24.

Those who voted for Mr. Humphreys were, Messrs.

Andrews,	Collett,	Green,
Beardsley,	Dwiggins,	Hadley,
Beeson,	Fosdick,	Hamilton,
Caven,	Gray,	Hess,

Hooper,	Robinson,	Taylor,
Hubbard,	Scott,	Wadge,
Martindale,	Steele,	Wood—22.
Miller,		

The President announced that Mr. Caldwell had received a majority of all the votes cast, on the part of the Senate, for Trustee of the Insane Asylum.

Mr. Denbo offered the following:

Resolved, That the Doorkeeper of this Senate be authorized to revise and correct the names of his employes, and that he report a correct list of the names of his employes to the President of the Senate: *Provided, however*, that said Doorkeeper shall not increase the number of his employes, as reported by the committee on Monday last.

Which was adopted.

Mr. Glessner submitted the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred Senate Bill No. 36, report that they have had the same under consideration, and have instructed their chairman to report back the bill, recommending its passage.

Mr. Dittmore offered the following resolution:

Resolved, That the military committee be instructed to inquire into the expediency of transferring the disabled soldiers from the Home at Knightstown to the National Home at Dayton, Ohio, and report to the Senate by resolution or otherwise.

Which was adopted.

Mr. Brown offered the following:

Resolved, That the Doorkeeper of the Senate and the chairman of each of the Senate committees, be allowed the same amount of stationery and stamps allowed to members of the Senate.

Which was adopted.

Mr. Lasselle, from the committee on the organization of courts, made the following report:

MR. PRESIDENT:

The committee on the organization of courts, to whom was referred Senate Bill No. 23, "A bill to constitute the Twenty-Fifth Judicial District," have had the same under consideration, and have instructed me to report said bill back, with the following amendment, to wit:

Strike out the word "three" in the fourth line of the second section, and insert "five" in lieu thereof; and that when so amended they recommend its passage.

Mr. Bradley, from the committee on phraseology arrangement of bills and enrolled bills, made the following report:

MR. PRESIDENT:

The committee on phraseology arrangement of bills and enrolled bills, respectfully report that they have examined enrolled Senate Bill No. 1, "A bill to legalize bonds of cities issued to aid in the construction of water works, and the sale and hypothecation of such bonds; to legalize all orders, resolutions, and ordinances of cities, for the construction of water works, and all acts done and contracts made under and in pursuance thereof; and to authorize the issue and sale of bonds, and negotiations of temporary loans, to raise money to carry out and comply with contracts heretofore made, for the establishment and construction of water works, and to fully complete said works;" and find the same correctly and properly enrolled.

Mr. Johnson offered the following resolution:

Resolved, That the committee on Education be instructed to inquire into the expediency of so amending the school law that the township trustees shall not purchase maps, globes, or school apparatus of any kind, until they shall first be examined and recommended by the Superintendent of Public Instruction and the State Board of Education.

Which was adopted.

Mr. Martindale offered the following :

A concurrent resolution for the appointment of a joint committee on the equalization of assessments.

Resolved by the Senate (the House of Representatives concurring,) that a joint committee of the Senate and House of Representatives be appointed, consisting of four Senators and seven members of the House of Representatives, and that so much of the Governor's message as relates to the subject of the equalization of the appraisement of real estate and the legalization of the existence and proceedings of the District and State Board of Equalization be referred to said committee, and that the subject of the assessment and taxation of Railroads and the equalization of Railroad assessments be also referred to said committee.

Resolved, That said joint committee shall be so constituted that each Congressional District of the State shall be represented thereon, and that they report by bill or otherwise.

Mr. Johnson moved to amend by saying, "by the Senate."

It was not agreed to.

Mr. Green called for a division of the question.

The question being on the adoption of the first part of the resolution.

Messrs. Martindale and Hughes demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Hadley,	Robinson,
Beeson,	Hamilton,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—22.
Gray,		

Those who voted in the negative were, Messrs.

Alsop,	Denbo,	Johnson,
Armstrong,	Dittemore,	Keigwin,
Beggs,	Dougherty,	Lasselle,
Bobo,	Francisco,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Straud,
Cave,	Hughes,	Williams—24.

So the first part of the resolution was not adopted.

The question recurring on the adoption of the second part of the resolution.

Mr. Hughes demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put.

It was so ordered.

The question recurring on the adoption of the second part of the resolution.

Messrs. Hughes and Martindale demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Hadley,	Robinson,
Beeson,	Hamilton,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—22.
Gray,		

Those who voted in the negative were, Messrs.

Alsop,	Beggs,	Bradley,
Armstrong,	Bobo,	Brown,

Carnahan,	Glessner,	Lasselle,
Cave,	Gregg,	Morgan,
Denbo,	Henderson,	Rosebrough,
Dittemore,	Hughes,	Sarninghausen,
Dougherty,	Johnson,	Straud,
Francisco,	Keigwin,	Williams—24.

So the resolution was not adopted.

Mr. Dittemore moved to reconsider the vote just taken, and moved to lay that motion on the table.

It was agreed to.

Mr. Hughes introduced

Joint Resolution No. 6. A Joint Resolution for the adjustment and collection of claims in favor of the State of Indiana.

Mr. Hughes moved to amend by adding:

Provided, That nothing herein contained shall prejudice any suit now pending in the name of the State.

On motion by Mr. Hughes,

The Senate adjourned.

FRIDAY, JANUARY 20, 1871, 2 O'CLOCK P. M.

Senate met.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that in obedience to a concurrent resolution of the Senate, providing for the election of Trustees to the Benevolent Institutions, the House proceeded to the execution of its order under said resolution, with the following result:

For Trustee of the Asylum for the Blind.

Cass Byfield received.....51 votes.
 John S. Spann received.....45 votes.

For Trustee of the Deaf and Dumb Asylum.

William R. Hogshire received.....50 votes.
 J. C. Burk received.....46 votes.

For Commissioner of the Insane Asylum.

John M. Caldwell received.....52 votes.
 Louis Humphreys received.....45 votes.

The question pending at adjournment being the consideration of Senate Joint Resolution No. 6, offered by Mr. Hughes,

Mr. Glessner moved to strike out of the amendment the name of the Secretary, Treasurer, and Auditor of State, wherever it occurs.

Which was not agreed to.

Mr. Gray offered the following amendment:

“With the advice and consent of the Governor.”

Which was accepted by Mr. Hughes, and agreed to on the part of the Senate.

The question being on the adoption of the resolution as amended,

The Secretary proceeded to call the roll.

Those who voted in the affirmative were, Messrs.

Alsop,	Cave,	Francisco,
Andrews,	Caven,	Fuller,
Armstrong,	Collett,	Glessner,
Beardsley,	Denbo,	Gray,
Beeson,	Dittemore,	Green,
Bobo,	Dougherty,	Gregg,
Bradley,	Dwiggins,	Hadley,
Brown,	Elliott,	Hamilton,
Carnahan,	Fosdick,	Henderson,

Hess,	Martindale,	Steele,
Hooper,	Miller,	Straud,
Hubbard,	Morgan,	Taylor,
Hughes,	Robinson,	Wadge,
Johnson,	Rosebrough,	Williams,
Keigwin,	Sarninghausen,	Wood—44.

Mr. Scott voting in the negative.

So the Joint Resolution was adopted.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the Speaker of the House to inform the Senate that he has signed enrolled Senate Bill No. 1, entitled "An act to legalize bonds of cities," etc., and the same is herewith returned to the Senate.

Mr. Beggs asked and obtained leave of absence until Thursday.

Mr. Bobo offered the following:

Resolved, That when the Senate adjourn, it adjourn until Monday at two o'clock.

Which was adopted.

Mr. Elliott offered the following resolution:

Resolved, That upon the certificate of the Doorkeeper, that the services in each case were actually rendered upon his authority, the President of the Senate be directed to issue his warrant for the payment to the following named persons the per diem placed opposite their respective names, viz.:

J. D. Henry, Assistant Doorkeeper, 4 days.....	\$20 00
T. Sullivan, Assistant Doorkeeper, 7 days.....	35 00
C. W. Henderson, Assistant Doorkeeper, 12 days.....	60 00
W. Sullivan, Page, 5 days.....	15 00

Which was adopted.

Mr. Hubbard asked and obtained leave of absence until Thursday.

Mr. Case asked and obtained leave of absence until Tuesday.

Mr. Elliott asked and obtained leave of absence until Tuesday, at two o'clock.

Mr. Hooper, from the committee on phraseology and arrangement of bills and enrolled bills, made the following report:

MR. PRESIDENT:

The committee on the phraseology and arrangement of bills, and enrolled bills, to whom was referred the enrolled Joint Resolution ceding to the United States jurisdiction over certain land in Jeffersonville, Indiana, to be used for military purposes, have carefully examined the same, and find it to be neatly and correctly enrolled.

Which report was concurred in.

Mr. Hughes introduced

Senate Bill No. 87. A bill to amend an act entitled "An act to provide a treasury system for the State of Indiana, for the manner of receiving, holding, and distributing the public moneys of the State, and for the safe keeping of public moneys, so as to provide for the violation thereof, and to better carry out the objects of said act.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hughes introduced

Senate Bill No. 88. A bill making appropriations for erecting a suitable building for the accommodation of the Cabinet of Natural History of Indiana University; for extinguishing the debts and enlarging the usefulness thereof.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Miller introduced

Senate Bill No. 89. A bill to amend an act entitled "An act to provide a treasury system for the State of Indiana, for the manner of receiving, holding, and disbursing the public moneys of the State, and for the safe keeping of public moneys, so as to provide for the violation thereof, and to better carry out the objects of said act."

Which was read a first time, and passed to a second reading on to-morrow.

SPECIAL ORDER.

The hour of three o'clock having arrived, the members of the Senate repaired to the Hall of the House of Representatives to hear the address, and memorial of the ladies upon the question of Female Suffrage, in compliance with a concurrent resolution of both Houses.

After hearing the memorial and listening to appropriate addresses by Miss Way, and Mrs. Swank,

The joint convention was adjourned, and the Senate repaired to their Hall.

Mr. Beeson offered the following:

Resolved, That the committee on the rights and privileges of the inhabitants of the State, are requested to report at an early day upon the power and propriety of the Legislature submitting by law the question of Female Suffrage to a vote of the women of the State, and the passage of an amendment to the Constitution giving such right of suffrage, when approved by a majority of the women voting at such election.

The question being on the adoption of the same.

Messrs. Beeson and Martindale demanded the ayes and nays.

Those who voted in the affirmative were, Messrs.

Alsop,	Beeson,	Caven,
Andrews,	Bobo,	Collett,
Armstrong,	Carnahan,	Denbo,
Beardsley,	Cave,	Dougherty,

Dwiggins,	Hess,	Robinson,
Elliott,	Hooper,	Rosebrough,
Fosdick,	Hubbard,	Scott,
Francisco,	Johnson,	Steele,
Fuller,	Keigwin,	Straud,
Green,	Lasselle,	Taylor,
Gregg,	Martindale,	Wadge,
Hadley,	Miller,	Wood—38.
Hamilton,	Morgan,	

Those who voted in the negative were, Messrs.

Bradley,	Glessner,	Hughes—3.
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So the resolution was adopted.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed Engrossed House Bill No. 58. An act to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of the judges thereof, and the same is herewith transmitted to the Senate.

Mr. Morgan offered the following:

Resolved, That a committee of three be appointed by the chair to draw up resolutions as an amendment to the Constitution of the State, giving women the right to vote.

Which was,

On motion,

Referred to a select committee on Female Suffrage.

Mr. Taylor introduced

Senate Bill No. 90. A bill to amend sections 63 and 69 of chapter 12 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such

other matters as properly pertain thereto," approved March 14th, 1867, and declaring an emergency.

Was read a first time and passed to a second reading on to-morrow.

Mr. Wood introduced

Senate Bill No. 91. A bill to amend section 561 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Caven introduced

Senate Bill No. 92. A bill authorizing the investment of the money belonging to and that may come to the Sinking Fund of Indiana.

Which was read a first time.

Mr. Martindale moved a suspension of the constitutional rule requiring bills to be read on three several days, and that the bill be read a second time now.

The ayes and nays were taken under the Constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Hamilton,
Andrews,	Daugherty,	Henderson,
Armstrong,	Dwiggins,	Hess,
Beardsley,	Francisco,	Hooper,
Beeson,	Fuller,	Hubbard,
Bobo,	Glessner,	Hughes,
Bradley,	Gray,	Johnson,
Carnahan,	Green,	Keigwin,
Caven,	Gregg,	Lasselle,
Collett,	Hadley,	Martindale,

Miller,	Rosebrough,	Taylor,
Morgan,	Steele,	Wadge,
Robinson,	Straud,	Wood—39.

None voting in the negative.

So the constitutional rule was suspended, and the Senate Bill No. 92 was read a second time, and

On motion,
Referred to the committee on Finance.

Mr. Green introduced

Senate Bill No. 93. A bill to provide for the payment of certain claims for ditching swamp lands, out of the general Swamp Land Fund.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Morgan introduced

Senate Bill No. 94. A bill to prevent public roads from being changed or obstructed in certain cases therein provided.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Beeson introduced

Senate Bill No. 95. A bill to amend the 10th section of an act entitled "An act providing for the election and qualifications of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9th, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Hamilton introduced

Senate Bill No. 96. A bill to further define the offense of bribery and to prescribe the punishment therefor.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Henderson introduced

Senate Bill No. 97. An act supplementary to an act entitled "An act authorizing the assessment of lands for Plank, Macadamized and Gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved March 11, 1867, approved May 14, 1869.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Andrews introduced

Senate Bill No. 98. A bill to confirm and make valid sales of real estate in the State of Indiana made by trustees and by domestic and foreign executors, and declaring an emergency.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bradley introduced

Senate Bill No. 99. A bill in relation to taking, holding, conveying, and transmitting real estate by aliens.

Was read a first time and passed to a second reading on to-morrow.

Mr. Armstrong introduced

Senate Bill No. 100. A bill to make parties in suits for divorce competent witnesses, and to repeal all laws inconsistent therewith.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bradley introduced

Senate Bill No. 101. A bill to amend section five of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly contained therewith, and prescribing the fees for certain officers therein mentioned and for the establishment and

regulation of township libraries, and to repeal all laws inconsistent therewith, prescribing penalties therein prescribed."

Which was read a first time and passed to a second reading on to-morrow.

Mr. Cave introduced

Senate Bill No. 102. A bill to amend section forty-seven of an act entitled "An act to provide for the opening, vacating and change of highways," approved June 17th, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Hubbard introduced

Senate Bill No. 103. A bill to amend section three of an act entitled "An act regulating docket fees of district attorneys in the Courts of Common Pleas, and before justices of the peace, regulating prosecuting and district attorney's fees on prosecutions on forfeited recognizances," approved June 4, 1871.

Was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Hess,

The Senate adjourned.

MONDAY AFTERNOON.

JANUARY 23, 1871, 2 O'CLOCK P. M.

The Senate met.

Prayer by the Rev. Elijah Goodwin, of the Christian Church, of Indianapolis.

Mr. Dittmore moved a call of the Senate.

The Secretary proceeded with the call.

Those answering to their names were, Messrs.

Armstrong,	Dwiggins,	Johnson,
Beardsley,	Elliott,	Martindale,
Beeson,	Fosdick,	Miller,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Robinson,
Brown,	Glessner,	Scott,
Carnahan,	Gregg,	Steele,
Cave,	Hadley,	Straud,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wood—32.
Dittmore,	Hughes,	

Pending the call,

On motion by Mr. Dittmore,

The Senate adjourned until 10 o'clock to-morrow.

TUESDAY MORNING.

JANUARY 24, 1871, 10 O'CLOCK.

Senate met.

Prayer by the Rev. R. D. Robinson, D. D., Presiding Elder of the M. E. Church of this district.

The Journal of Friday was read and approved.

The Journal of yesterday was read and approved.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has appointed the following Joint Committees upon the part of the House, to wit:

Committee on Public Libraries.

Messrs. Hawley, Ballenger, and Montgomery.

Joint Committee on Public Buildings.

Messrs. McFarland, Mitchell, and Hill.

Joint Committee on Enrolled Bills.

Messrs. Cunningham, Myers, Holland, Tebbs, and Butterworth.

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed engrossed Senate Bill No. 25, entitled "An act regulating the terms of the Circuit Courts in the Fifteenth Judicial Circuit, and making all process whatever returnable thereto, repeal-

ing all laws in conflict therewith, and declaring an emergency," and the same is herewith returned to the Senate.

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed Senate Joint Resolution No. 4, in favor of giving lands to soldiers, and the same is herewith returned to the Senate.

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that he has signed enrolled Senate Joint Resolution No. 2, entitled "A Joint Resolution ceding to the United States jurisdiction over certain lands in Jeffersonville, Ind., to be used for military purposes," and the same is herewith returned to the Senate.

MR. PRESIDENT:

I am instructed by the Speaker of the House to inform the Senate that the House has passed the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring,) That a joint committee of the Senate and House of Representatives be appointed, consisting of four Senators and seven members of the House of Representatives; and that so much of the message of the Governor as relates to the subject of the equalization of the appraisement of real estate, and the legalization of existence and proceedings of the District and State Board of Equalization be referred to said committee; and that the subject of the assessment and taxation of railroads, and the equalization of railroad assessments, be also referred to the same committee.

And be it further resolved by the House of Representatives (the Senate concurring,) That said committee be so constituted that each Congressional District of the State shall be represented thereon.

Mr. Hadley moved to reconsider the vote by which the resolution allowing the chairman of each committee, and the Doorkeeper, twenty dollars' worth of stationery and stamps, was adopted.

Messrs. Dwiggins and Robinson demanded the ayes and nays.

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Keigwin,
Armstrong,	Fosdick,	Lasselle,
Beardsley,	Francisco,	Martindale,
Beeson,	Fuller,	Morgan,
Bobo,	Glessner,	Robinson,
Bradley,	Gray,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Case,	Hadley,	Scott,
Cave,	Hamilton,	Steele,
Caven,	Hess,	Straud,
Collett,	Hooper,	Taylor,
Denbo,	Hughes,	Wadge,
Dittemore,	Johnson,	Wood—40.
Dougherty,		

No Senator voting in the negative.

So the motion to reconsider prevailed.

The question being upon the adoption of the resolution,

Mr. Denbo offered the following amendment :

Amend by striking out “twenty dollars,” and inserting “not to exceed five dollars to the chairman of each committee.”

Mr. Brown moved to lay the whole subject upon the table.

Which was not agreed to.

Mr. Brown offered the following as a substitute :

Amend by inserting ten dollars' worth of stationery for each committee, to be drawn by the chairman thereof, and ten dollars' worth for the Doorkeeper, and ——— dollars' worth of stamps for each ; and that no stationery or stamps, not already drawn by Senators, shall be drawn or furnished.

Mr. Lasselle raised the point of order, that the latter part of the substitute, which provides, “and that no stationery or stamps, not already drawn by Senators, shall be drawn or furnished,” had already been acted upon by the Senate, and was out of order.

Which point of order was sustained by the Chair.

Mr. Johnson moved to lay the whole subject upon the table.

Meisrs. Johnson and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Johnson,
Beeson,	Fuller,	Keigwin,
Bobo,	Gray,	Lasselle,
Brown,	Gregg,	Martindale,
Carnahan,	Hadley,	Miller,
Caven,	Hess,	Robinson,
Denbo,	Hughes,	Straud—22.
Dougherty,		

Those who voted in the negative were, Messrs.

Armstrong,	Fosdick,	Sarninghausen,
Beardsley,	Francisco,	Scott,
Bradley,	Glessner,	Steele,
Case,	Hamilton,	Taylor,
Cave,	Hooper,	Wadge,
Collett,	Morgan,	Wood—20.
Dittemore,	Rosebrough,	

So the motion to lay the whole subject upon the table prevailed.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Martindale presented a petition from the legal voters of Marion county, in the State of Indiana, asking the enactment of a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Gray presented a petition from the citizens of Randolph county, asking the passage of a law suppressing the traffic in intoxicating liquors as a beverage, declaring such traffic criminal, with suitable provision for the conviction and punishment of the offender.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Hughes presented a petition from the citizens of Lawrence county, asking the enactment of a law suppressing the traffic in intoxicating liquors as a beverage.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Glessner presented a petition from the citizens of Hope, Bartholomew county, asking the passage of a law suppressing the traffic in intoxicating liquors as a beverage, declaring such traffic criminal, with suitable provisions for the conviction and punishment of the offender.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Johnson presented a petition from the practicing attorneys of the county of Montgomery asking an increase of salaries of judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Gray presented a memorial from the citizens of Randolph county, asking the enactment of a law to prevent cruelty to domestic animals by striking, whipping, starving, or overworking the same.

Which was,

On motion,

Referred to the committee on the judiciary.

Mr. Case presented a petition from the citizens and practicing attorneys of the county of LaGrange, asking a repeal of the divorce laws and the enactment of such laws as will prevent as much as possible, corruption and fraud in the procurement of divorces.

Which was,

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

Mr. Dwiggins presented the claim of A. Thompson, for land purchased of the State, on account of the failure of title thereto.

Which was,

On motion,

Referred to the committee on claims.

Mr. Martindale presented the claim of Eliza Blake, widow of James Blake, deceased, asking an allowance for his services and expenses as commissioner on the part by Indiana of the Gettysburg National Monument Association for the years 1869 and 1870.

Which was,

On motion,

Referred to the committee on claims.

Mr. Dougherty presented the petition of Dr. Thomas Horton, asking a reasonable allowance as a witness.

Which was,

On motion,

Referred to the committee on claims.

Mr. Morgan presented a preamble and resolution of the city council of Evansville, in reference to the encouragement of foreign emigration to the State of Indiana.

Which was,

On motion,

Referred to the committee on emigration.

REPORTS FROM STANDING COMMITTEES.

Mr. Glessner from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee to which was referred Senate Bill No. 38. A bill to amend an act entitled "An act to exempt property from sale in certain cases," approved February 19th, 1852, have had the same under consideration and have directed me to report the same back to the Senate, recommending its passage.

Mr. Hughes submitted the following report from the committee on the judiciary :

MR. PRESIDENT :

The Senate committee on the judiciary, to which was referred Senate Bill No. 29, entitled "An act to provide for the holding of Roman Catholic churches, cemeteries, colleges, and other property, and for conveyance of and succession thereto," have had the same under consideration, and report the same back with the following amendments, and, when so amended, recommend its passage, to wit : Amend in line four of section three by striking out the word "and" between the words "educational and cemetery," and inserting in lieu thereof the word "or," and in section four strike out the word "bill" in line three from the bottom, and inserting the word "act" instead thereof.

Also, amend section eleven to read as follows: It is hereby declared that an emergency exists for the immediate taking effect of this act, and it shall therefore take effect and be in force from and after its passage.

Mr. Hughes submitted the following report from the committee on the judiciary :

MR. PRESIDENT :

The Senate committee on the judiciary, to which was referred Senate Bill No. 21, introduced by Senator Martindale, entitled an act to amend section thirty-nine of an act entitled "An act defining felonies, and prescribing punishment therefor," have had the same under consideration, and report the same back, recommending its passage.

Mr. Caven, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee to which was referred Senate Bill No. 9, entitled a bill to regulate interest on money, have had the same under con-

sideration, and report the same back to the Senate with the following amendments:

1st. Between the words "that" and "interest," in the fourth line of section one, insert the words "on the sum found to be due for principal."

2d. Between the words "but" and "if," in the thirteenth line of section one, insert the words, "and so much of any judgment as shall be rendered for interest accrued, and;" and when so amended would recommend its passage.

Mr. Caven, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred Senate Bill No. 13, entitled "A bill to establish the rate of interest on judgments and claims in certain cases," have had the same under consideration, and recommend that said bill lie on the table, for the reason that Senate Bill No. 9, the passage of which this committee has recommended, provides fully for the same subject matter.

Mr. Hooper moved that the report be concurred in.

Which was agreed to.

Mr. Hooper, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 35, "A bill to amend the 207th section of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and respectfully recommend that said bill be amended by striking out the old section sought to be amended, which is set out at full length in the bill. Also, that the third specification of the amended section be further amended by adding thereto the follow-

ing words, (unless the application is made prior to the day set for the trial of the cause, it shall disclose the time when the applicant first discovered the facts alleged in his application.)

And when so amended the committee recommend the passage of said bill.

Mr. Bradley made the following report:

MR. PRESIDENT:

The committee on phraseology, arrangement of bills, and enrolled bills, to whom was referred Senate enrolled joint resolution No. 4, have had the same under consideration, and have instructed me to report that they find the same correctly enrolled.

Which was concurred in.

Mr. Johnson, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to which was referred Senate Bill No. 11, a bill to amend an act entitled "An act to enable the owners of wet lands to drain and reclaim them where the same can not be done without affecting the lands of others, etc.," have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Mr. Glessner, from a special committee, made the following report:

MR. PRESIDENT:

The special committee, to whom was referred Senate Bill No. 32, have had the same under consideration, and have directed me to report back the bill with the following amendment, to wit: Amend the second section to read as follows:

Said court shall sit in the county of Johnson four weeks at each term, in the county of Shelby eight weeks at the April and five weeks at the October term of said court, in the county of Brown one week at each term, and in the county of Bartholomew shall sit at its January term for nine weeks, and at the August term shall

sit from and including the first Monday in August to the second Monday in September in each year continuously, if the business thereof require it.

And with the amendment recommend the passage of the bill.

Mr. Dittimore offered the following:

WHEREAS, It appears from the annual report of the trustees and other officers of the Soldiers' and Ophans' Home at Knightstown, Indiana, that the expenditures for the same for the year 1870, for various items purchased, are unreasonable and extravagant; therefore;

Resolved, That the military committee of the Senate be and they are hereby instructed to proceed at once to investigate the several items of expenditures, and report without delay, and that said committee be empowered to send for persons and papers.

Which resolution was adopted.

Mr. Sarninghausen offered the following:

Resolved, That His Excellency Governor Baker be and is hereby requested to lay before the Senate a copy of all reports, resolutions and other transactions in regard to the emigration convention held at Indianapolis, in the month of November last year.

Which was adopted.

Mr. Lasselle offered the following:

Resolved, That the Doorkeeper be authorized to appoint an additional page for the floor of the Senate.

Which was adopted.

Mr. Gray offered the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That our Senators and Representatives in Congress are hereby requested to vote and use their influence to have the tariff act so modified as to place the prime articles of necessity, including tea, coffee, sugar, and salt on the *free list*.

Resolved, That the Governor is hereby requested to forward a

copy of this resolution to each of our Senators and Representatives in Congress.

Which was adopted.

Mr. Hughes moved to reconsider the vote by which the concurrent resolution offered by Mr. Gray was adopted.

Messrs. Gray and Beardsley demanded the ayes and nays.

Those who voted in the affirmative were, Messrs.

Armstrong,	Dittemore,	Miller,
Beardsley,	Dougherty,	Morgan,
Bobo,	Francisco,	Sarninghausen,
Carnahan,	Hughes,	Steele,
Cave,	Johnson,	Straud,
Caven,	Lasselle,	Wadge—18.

Those who voted in the negative were, Messrs.

Alsop,	Fuller,	Keigwin,
Beeson,	Glessner,	Martindale,
Bradley,	Gray,	Robinson,
Case,	Gregg,	Rosebrough,
Denbo,	Hadley,	Scott,
Dwiggins,	Hamilton,	Taylor,
Fosdick,	Hess,	Wood—21.

So the motion to reconsider did not prevail.

Mr. Dittemore introduced

Senate Bill No. 104. A bill to provide for the election of trustees for the benevolent institutions of the State, and prescribing some of the duties of such officers, and repealing all laws inconsistent with the provisions of this act, and to fix the time for the taking effect of this act.

Which was read a first time and passed to a second reading on tomorrow.

Mr. Francisco introduced

Senate Bill No. 105. A bill to abolish the Twenty-ninth Judicial

Circuit (Jefferson Criminal Circuit Court), and to transfer its business to the Circuit Court; to provide for the jurisdiction of the Circuit and Common Pleas Courts of Jefferson county in cases of felony and misdemeanors and matters connected therewith.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Taylor introduced

Senate Bill No. 106. A bill to repeal an act entitled "An act to authorize aid to the construction of railroads by counties and townships, taking stock in, and making donations to railroad companies," approved May 12, 1869, and declaring an emergency.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Scott introduced

Senate Bill No. 107. A bill to amend an act entitled "An act to create a State Normal School," and declaring an emergency, approved December, 20, 1865, and to appropriate funds necessary for the completion of said State Normal School, and providing from what fund the same shall be taken and appropriated, and adding supplementary sections thereto.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Morgan introduced

Senate Bill No. 108. A bill defining bribery, and prescribing a punishment therefor, and repealing all laws in conflict therewith.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Wood introduced

Senate Bill No. 109. A bill supplemental to an act concerning inclosures, trespassing animals, and partition fences, approved June 4, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Sarninghausen introduced

Senate Bill No. 110. A bill to amend section fifty-eight of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Hooper,
The Senate adjourned.

TUESDAY, JANUARY, 24, 1871, 2 O'CLOCK P. M.

The Senate met.

Mr. Hadley introduced

Senate Bill No. 111. A bill to provide for a more extended and improved system of College and University education.

Which was read a first time.

Mr. Hadley moved that the bill lie upon the table, and that two hundred copies thereof be printed.

Which was agreed to.

Mr. Bobo, by unanimous consent of the Senate, submitted the following report:

MR. PRESIDENT:

Your committee on elections, to whom was referred the contested case of Bird *vs.* Sarninghausen, report that they have had the case under advisement, and that the evidence is submitted in depositions, and they ask that the same be printed, to wit: fifty copies thereof.

Which report was concurred in, and fifty copies of the depositions were ordered to be printed.

Mr. Fuller introduced

Senate Bill No. 112. A bill to provide for the election of a supervisor and board of commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers, and repealing all laws in conflict therewith, and declaring an emergency for the taking effect thereof.

Which was read a first time and passed to a second reading on to-morrow.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed engrossed Senate Bill No. 22, entitled "An act to fix the time of holding courts in the Sixth Judicial Circuit, requiring persons to take notice thereof, providing for the return of process, repealing all laws in conflict herewith," and declaring when this act shall take effect, and the same is herewith returned to the Senate.

Mr. Taylor introduced

Senate Bill No. 113. A bill authorizing suits to be brought in the partnership name only in certain cases, and declaring the effect thereof.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Hughes introduced

Senate Joint Resolution No. 7. A joint resolution concerning the so-called Fifteenth Amendment to the Constitution of the United States, and its pretended ratification, and purposing a convention of the States to amend the Constitution of the United States.

Mr. Hughes moved that the joint resolution lie upon the table, that two hundred copies thereof be printed, and that it be made the special order for two o'clock on Thursday next.

Mr. Dwiggins demanded a division of the question.

The first question being upon the postponement of the joint reso-

lution, and making it the special order for Thursday next at two o'clock P. M.

Upon which Messrs. Hadley and Dwiggins demanded the ayes and nays.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—24.

Those who voted in the negative were, Messrs.

Andrews,	Fosdick,	Miller,
Beardsley,	Gray,	Robinson,
Beeson,	Green,	Scott,
Case,	Hadley,	Steele,
Caven,	Hamilton,	Taylor,
Collett,	Hess,	Wadge,
Dwiggins,	Hooper,	Wood—23.
Elliott,	Martindale,	

So the motion to postpone and make it a special order was agreed to.

The second question being on the motion to print two hundred copies of the joint resolution.

Upon which Messrs. Hadley and Dwiggins demanded they ayes and nays.

Those who voted in the affirmative were, Messrs.

Armstrong,	Carnahan,	Dougherty,
Bobo,	Cave,	Elliott,
Bradley,	Denbo,	Francisco,
Brown,	Dittemore,	Fuller,

Glessner,	Johnson,	Rosebrough,
Gregg,	Keigwin,	Sarninghausen,
Henderson,	Lasselle,	Straud,
Hughes,	Morgan,	Williams—24.

Those who voted in the negative were, Messrs.

Alsop,	Fosdick,	Miller,
Andrews,	Gray,	Robinson,
Beardsley,	Green,	Scott,
Beeson,	Hadley,	Steele,
Case,	Hamilton,	Taylor,
Caven,	Hess,	Wadge,
Collett,	Hooper,	Wood—23.
Dwiggins,	Martindale,	

So the motion to print two hundred copies of the joint resolution was agreed to.

SPECIAL ORDER.

The hour having arrived for the consideration of the resolution offered by Mr. Bobo, providing for the appointment of a committee to re-district the State for judicial purposes, with pending amendments thereto, the same was taken up.

The following substitute was offered by Mr. Hughes:

Amend by substituting the following:

Resolved, That a committee of the Senate, to consist of Senators Bobo, Brown, Steele, and Hadley, be, and the same is hereby constituted and appointed to redistrict the State for judicial purposes, to report by bill or otherwise to the next session of the State Senate, *Provided*, such re-districting is not done during this present session of the General Assembly, and said committee is instructed to consider what change, if any, the public interests require to be made in our system of courts, and report the same by bill.

Which was accepted by Mr. Bobo.

Mr. Dittmore moved to amend as follows:

And that said committee shall be assisted in their labors by the Secretary of the Senate.

Which was agreed to.

On motion of Mr. Williams,

The whole subject was referred to the committee on the organization of courts.

Mr. Bradley introduced

Senate Bill No. 114. A bill to provide for the acquisition and enjoyment by the United States of lands within this State for public purposes.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Williams introduced

Senate Bill No. 115. A bill to distribute the surplus swamp land fund, now in the State Treasury, to the counties from which it was collected.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Williams introduced

Senate Bill No. 116. A bill to authorize the Auditor and Secretary of State to organize the two Houses of the General Assembly of the State of Indiana.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Sarninghausen introduced

Senate Bill No. 117. A bill to authorize and empower cities now incorporated under an act entitled "An act to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, prescribing their powers and rights and the

manner in which they shall exercise, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Dougherty introduced

Senate Bill No. 118. A bill entitled "An act to amend Section 17 of an act providing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Glessner introduced

Senate Bill No. 119. A bill supplemental to an act entitled "An act authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the laws on that subject," approved March 11, 1867. The above entitled act having been approved May 14, 1869, and repealing so much of said act as effects such companies not organized at the taking effect of this act.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bradley submitted the following report:

MR. PRESIDENT:

The committee on phrasology, arrangement of bills, and enrolled bills, to which was referred enrolled act No. 25 of the Senate, entitled "An act regulating the term of the Circuit Courts in the Fifteenth Judicial Circuit, and making all process whatever returnable thereto, repealing all laws in conflict therewith and declaring an emergency," have had the same under consideration and have instructed me to report that your committee find the same correctly and properly enrolled.

Which report was concurred in.

Mr. Collett introduced

Senate Bill No. 120. A bill for the relief of the Treasurer of Vermillion county, Indiana, and his sureties.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Carnahan introduced

Senate Bill No. 121. A bill to amend Sections 7 and 49 of an act entitled "An act providing for the settlement of decedent's estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 15, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Armstrong introduced

Senate Bill No. 122. A bill to repeal an act entitled "An act to limit the number of Grand Jurors and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith," approved March 4th, 1852; to repeal Sections 14, 15, 16, 17, and 18 of an act entitled "An act to revise, simplify and abridge the practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852; to abolish Grand Juries, to empower Prosecuting Attorneys, to prosecute all crimes and misdemeanors by information.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Cave introduced

Senate Bill No. 123. A bill to amend the third section of an act entitled "An act regulating docket fees of District Attorneys in the Courts of Common Pleas and before justices of the Peace, and regulating Prosecuting and District Attorneys' fees for prosecutions on forfeited recognizances.

Which was read a first time and passed to a second reading on to-morrow.

Messages from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that he has signed enrolled joint resolution No. 4 of the Senate, and the same is herewith returned to the Senate.

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that he has signed enrolled Senate Bill No. 25, entitled "An act to regulate the term of the Circuit Court in the Fifteenth Judicial Circuit, and making all process whatever returnable thereto, repealing all laws in conflict therewith and declaring an emergency," and the same is herewith returned to the Senate.

Mr. Martindale moved that the order of business be suspended for the purpose of taking up House messages.

Which was agreed to.

Engrossed House Bill No. 58. An act to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of the Judges thereof.

Which was read a first time.

Mr. Caven moved that the constitutional rule be suspended, and the bill be read a second time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Cave,	Fuller,
Andrews,	Caven,	Gray,
Armstrong,	Collett,	Green,
Beardsley,	Denbo,	Gregg,
Beeson,	Dittemore,	Hadley,
Bobo,	Dougherty,	Hooper,
Bradley,	Dwiggins,	Keigwin,
Carnahan,	Fosdick,	Martindale,
Case,	Francisco,	Miller,

Morgan,	Sarninghausen,	Taylor,
Robinson,	Steele,	Wadge,
Rosebrough,	Straud,	Wood—36.

No Senator voting in the negative.

So the constitutional rule was suspended and House Bill No. 58 was read a second time and referred to the committee on the organization of courts.

Mr. Fuller, from the committee on federal relations, made the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred Senate Joint Resolution No. 5, have had the same under consideration, and directed me to report the same back to the Senate and recommend that the same be referred to the committee on emigration.

Which report was concurred in.

House Bill No. 38. A bill to legalize the official acts of the Board of Trustees of the town of Gosport, Owen county, Indiana.

Which was read a first time.

Mr. Hughes moved that the bill be rejected.

Which was not agreed to.

Mr. Hooper, from the committee on phraseology and arrangement of bills and enrolled bills, made the following report:

MR. PRESIDENT:

The committee on the phraseology and arrangement of bills and enrolled bills, to whom was referred engrossed Senate bill No. 22, "An act to fix the time of holding courts in the Sixth Judicial Circuit, requiring persons to take notice thereof; providing for the return of process, repealing all laws in conflict herewith and declaring when this act shall take effect," have carefully examined the same and find said bill to be correctly enrolled.

Which report was concurred in.

Engrossed House Bill No. 74. A bill to legalize certain bonds issued by the city of Columbus for the construction of water works.

Was read a first time.

Mr. Glessner moved that the constitutional rule be suspended and the bill read a second time now.

The ayes and nays were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Keigwin,
Andrews,	Dougherty,	Lasselle,
Armstrong,	Dwiggins,	Martindale,
Beardsley,	Fosdick,	Miller,
Beeson,	Francisco,	Morgan,
Bobo,	Fuller,	Robinson,
Bradley,	Glessner,	Rosebrough,
Carnahan,	Green,	Sarninghausen,
Case,	Gregg,	Straud,
Cave,	Hadley,	Taylor,
Caven,	Hamilton,	Wadge—34.
Denbo,	Hess,	

Those who voted in the negative were, Messrs.

Collett,	Johnson—2.
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So the constitutional rule was suspended.

And engrossed House Bill No. 74 was read a second time by title, and referred to the committee on the judiciary.

Engrossed House Bill No. 2. A bill to amend sections four and six of an act entitled "An act prescribing the powers and duties of coroners," approved May 27, 1852, and providing for an emergency.

Was read a first time.

Mr. Denbo moved that the constitutional rule be suspended, and that the bill be read a second time now.

The ayes and nays were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Keigwin,
Andrews,	Dougherty,	Lasselle,
Armstrong,	Dwiggins,	Martindale,
Beardsley,	Francisco,	Miller,
Bobo,	Gray,	Morgan,
Bradley,	Green,	Robinson,
Carnahan,	Gregg,	Rosebrough,
Case,	Hadley,	Sarninghausen,
Cave,	Hamilton,	Straud,
Caven,	Hess,	Wadge—32.
Collett,	Johnson,	

Those who voted in the negative were, Messrs.

Beeson,	Wood—2.
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So the constitution rule was not suspended.

Engrossed House Bill No. 19. A bill authorizing the council of Jeffersonville to elect pilots.

Mr. Dittemore moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be read a second time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Alsop,	Collett,	Gregg,
Andrews,	Denbo,	Hadley,
Armstrong,	Dittemore,	Hamilton,
Beardsley,	Dwiggins,	Henderson,
Bobo,	Dougherty,	Hess,
Bradley,	Fosdick,	Keigwin,
Carnahan,	Francisco,	Lasselle,
Case,	Fuller,	Martindale,
Cave,	Glessner,	Miller,
Caven,	Green,	Morgan,

Robinson,	Sarninghausen,	Wadge—35.
Rosebrough,	Straud,	

Those who voted in the negative were, Messrs.

Beeson,	Hooper,	Johnson—3.
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So the constitutional rule was suspended, and House Bill No. 36 was read a second time by title.

Mr. Dittmore moved that the bill be referred to a select committee of three.

It was agreed to.

Whereupon the President announced the following committee: Messrs. Dittmore, Martindale, and Fosdick.

Engrossed House Bill No. 11. A bill fixing the beginning of the terms of the Court of Common Pleas of Dearborn county, in the Fifth Judicial District.

Which was read a first time, and passed to a second reading on to-morrow.

Engrossed House Bill No. 10. A bill to amend section one of an act entitled "An act to amend section forty-three of an act entitled an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement;" approved July 17, 1852; approved February 19, 1869.

Which was read a first time, and passed to a second reading on to-morrow.

Engrossed House Bill No. 84. A bill to prevent prize fighting, and prescribing punishment therefor.

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Glessner,

The Senate adjourned.

WEDNESDAY MORNING.

JANUARY 25, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. John B. Brandt, Superintendent of the Young Men's Christian Association, of Indianapolis.

Pending the reading of yesterday's Journal,

Mr. Denbo moved that the further reading thereof be dispensed with.

Which was agreed to.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Senate Joint Resolution No. 1, entitled "A joint resolution, proposing an amendment to the Constitution, by adding to the 10th article a section in relation to the debt charged upon the Wabash and Erie Canal," and the same is herewith returned to the Senate.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the Speaker has signed enrolled Senate Act No. 22, and the same is herewith returned to the Senate.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hadley presented a petition from the citizens of Hendricks county, asking the enactment of a law suppressing the traffic in intoxicating liquors as a beverage, declaring such traffic criminal,

with suitable provisions for the conviction and punishment of the offender.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Henderson presented a petition from citizens of the State, asking the enactment of a law for the protection of the fish in the streams and waters of the State, by making it a criminal offense at any time for a person to catch or destroy them, except by hook and line.

Which was,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Mr. Steele presented three petitions from the citizens of the county of Jay, asking the enactment of a law suppressing the traffic in intoxicating liquors as a beverage, declaring such traffic criminal, with suitable provisions for the conviction and punishment of the offender.

Which were,

On motion,

Referred to the committee on temperance.

Mr. Hadley presented a petition from the citizens of the State of Indiana, asking an enactment of a law to create a board of supervisors to inspect and watch over the condition of the prisons, reformatories, and benevolent institutions; and to pass a law for the improvement of our county jails; and to take the initiatory steps, at the present session, for the erection of an intermediate State Prison for younger and less hardened criminals.

Which was,

On motion,

Referred to the committee on prisons.

Mr. Hadley presented a petition from the citizens of Marion and Hendricks counties, asking a repeal of that clause in the divorce laws of our State, which says "Any other cause for which the Court shall deem it proper that a divorce shall be granted;" also to modify

the other divorce laws, except that for adultery, so as to provide only for a legal separation of the parties, but forbidding either party to marry any other person during the lifetime of the other party.

Which was,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State. .

Mr. Collett presented the petition of sundry citizens of Parke county, asking that no change be made in the act to authorize aid in the construction of railroads, by counties and townships taking stock in and making donations to railroad companies.

Which was,

On motion,

Referred to the committee on corporations.

On motion by Mr. Francisco,

The order of business was suspended, and Senate Bill No. 105, "An act to abolish the Twenty-Ninth Judicial Circuit (Jefferson Criminal Circuit Court), and to transfer its business to the Circuit Court; to provide for the jurisdiction of the Circuit and Common Pleas Courts of Jefferson county, in cases of felony and misdemeanors, and matters connected therewith.

Was taken up and read a second time, and,

On motion,

Referred to the committee on the organization of courts.

Mr. Dittmore presented a preamble and resolution of Councilman Carpenter, of the city of Evansville, Ind., in regard to encouraging foreign emigration to the State of Indiana.

Which was,

On motion,

Referred to the committee on emigration.

Mr. Glessner offered the following:

Resolved, That the committee on the organization of courts be, and are hereby directed to inquire into the expediency of re-districting the State for judicial purposes, and report by bill or otherwise.

Which was adopted.

Mr. Hadley offered the following:

Resolved, That the Doorkeeper be, and he is hereby instructed to discontinue his order for the Daily Telegraph, for the use of the Senate, and that no payment or allowance will be made for said paper after this date.

Mr. Dwiggins moved to amend as follows:

The Doorkeeper is hereby instructed to discontinue all newspapers except the Daily Journal and Sentinel.

Mr. Dittmore moved to lay the resolution and pending amendment upon the table.

Mr. Gray demanded a division of the question, so as to vote on the resolution and amendment separately.

The first question being upon the motion to lay the amendment upon the table,

The ayes and noes were demanded by Messrs. Hadley and Dwiggins.

Those who voted in the affirmative were, Messrs.

Alsop,	Fuller,	Lasselle,
Armstrong,	Glessner,	Morgan,
Bradley,	Gregg,	Rosebrough,
Cave,	Hughes,	Straud,
Dittmore,	Johnson,	Wadge—17.
Francisco,	Keigwin,	

Those who voted in the negative were, Messrs.

Andrews,	Denbo,	Hooper,
Beardsley,	Dougherty,	Martindale,
Beeson,	Dwiggins,	Miller,
Bobo,	Fosdick,	Robinson,
Carnahan,	Gray,	Steele,
Case,	Hadley,	Taylor,
Caven,	Hamilton,	Wood—23.
Collett,	Hess,	

So the motion to lay the amendment upon the table did not prevail.

The second question being the motion to lay the resolution upon the table.

Messrs. Dwiggins and Hadley demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Cave,	Glessner,	Rosebrough,
Caven,	Gregg,	Straud—20.
Collett,	Hughes,	

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Hadley,	Robinson,
Beeson,	Hamilton,	Steele,
Carnahan,	Hess,	Taylor,
Case,	Hooper,	Wadge,
Dwiggins,	Martindale,	Wood—19.
Fosdick,		

So the resolution and pending amendment was laid upon the table.

Mr. Hughes offered the following:

WHEREAS, From and after the date of the resolution of the Senate authorizing the Doorkeeper to provide the necessary committee rooms for the use of the Senate, to wit: Jacob H. Martin, of Lawrence county, has been employed by the Doorkeeper to take charge of four committee rooms, and has been and is now faithfully attending to his duties, under the impression that he was permanently employed; and

WHEREAS, His services are needed; and

WHEREAS, By some accident or mistake in the absence of the Doorkeeper, the name of said Martin was omitted from his list of employes; and

WHEREAS, Said mistake can not be corrected without displacing

some worthy and efficient person named in the list reported by the committee on employes.

Resolved, That the said Jacob H. Martin be continued in service as long as necessary, in the judgment of the Doorkeeper, and that his name be added to the list of said employes, and that he be paid as other employes from the aforesaid date, being the commencement of his actual service.

The question being upon the adoption of the resolution.

Messrs. Hadley and Hamilton demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Andrews,	Elliott,	Keigwin,
Armstrong,	Fosdick,	Lasselle,
Beardsley,	Francisco,	Morgan,
Bobo,	Fuller,	Rosebrough,
Bradley,	Glessner,	Scott,
Brown,	Gray,	Steele,
Case,	Gregg,	Straud,
Cave,	Henderson,	Taylor,
Collett,	Hooper,	Wadge,
Denbo,	Hughes,	Williams—34.
Dittemore,		

Those who voted in the negative were, Messrs.

Beeson,	Hamilton,	Miller,
Carnahan,	Hess,	Robinson,
Caven,	Martindale,	Wood—10.
Dwiggins,		

So the resolution was adopted.

Mr. Dwiggins offered the following resolution :

Resolved, That a committee of four be appointed to revise the statutes of the State, and that they report at the next regular session of this General Assembly.

Which was,

On motion by Mr. Dwiggins,

Referred to the committee on the organization of courts.

Mr. Denbo introduced

Senate Bill No. 124. A bill to amend sections ninety-seven and ninety-eight of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hamilton introduced

Senate Bill No. 125. A bill to amend section one of an act entitled "An act to amend the first section of an act entitled 'an act for the protection of sidewalks in towns and villages, and for the protection of shade trees planted along the same,' approved March 3, 1869, so as to protect sidewalks outside of towns and villages," approved March 9, 1867.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Dougherty introduced

Senate Bill No. 126. A bill to limit the amount allowed by judges of courts and boards of commissioners of the several counties of the State of Indiana, to attorneys for prosecuting or defending criminals.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beeson introduced

Senate Bill No. 127. A bill to amend an act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for the violation of this act, and declaring an emergency, approved March 9, 1867.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Morgan introduced

Senate Bill No. 128. A bill to amend sections 349 and 350 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Miller asked and obtained leave of absence until Monday next, at two o'clock.

Mr. Green asked and obtained leave of absence until Monday, on account of sickness in his family.

Mr. Morgan asked and obtained leave of absence for to-morrow, for the committee on benevolent institutions.

The following messages from the House, requiring action on the part of the Senate, were taken up:

Engrossed House Bill No. 3. A bill to fix the time of holding the Circuit Court in the several counties of the Third Judicial Circuit, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time and passed to a second reading on to-morrow.

House Joint Resolution No. —. A joint resolution in relation to granting lands to soldiers and seamen of the late war.

The question being on the adoption of the same.

Those who voted in the affirmative were, Messrs.

Andrews,	Bobo,	Cave,
Armstrong,	Bradley,	Caven,
Beardsley,	Carnahan,	Collett,
Beeson,	Case,	Denbo,

Dittemore,	Hamilton,	Morgan,
Dougherty,	Hess,	Robinson,
Dwiggins,	Hooper,	Rosebrough,
Fosdick,	Hughes,	Sarninghausen,
Francisco,	Johnson,	Steele,
Fuller,	Keigwin,	Straud,
Glessner,	Lasselle,	Taylor,
Gray,	Martindale,	Wadge,
Gregg,	Miller,	Wood—40.
Hadley,		

No Senator voting in the negative.

So the joint resolution was adopted.

Ordered, That the Secretary inform the House thereof.

Mr. Lasselle entered a motion to reconsider the vote just taken.

The question being upon concurring in House Joint Resolution, providing for the erection of a monument to the late Ashbel P. Willard.

Mr. Hooper moved that the resolution be referred to the committee on finance.

Which was agreed to.

The question being, upon the adoption of the House resolution instructing our Senators and requesting our Representatives in Congress not to vote for any further donation of the public lands to railroad companies.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Bradley,	Denbo,
Andrews,	Carnahan,	Dittemore,
Armstrong,	Case,	Dougherty,
Beardsley,	Cave,	Dwiggins,
Beeson,	Caven,	Fosdick,
Bobo,	Collett,	Francisco,

Fuller,	Hughes,	Rosebrough,
Glessner,	Johnson,	Sarninghausen,
Gray,	Keigwin,	Steele,
Gregg,	Lasselle,	Straud,
Hadley,	Martindale,	Taylor,
Hamilton,	Miller,	Wadge,
Hess,	Morgan,	Williams—41.
Hooper,	Robinson,	

No Senator voting in the negative.

So the House resolution was adopted.

The question being, on the adoption of the House resolution in reference to the granting of and equalization of bounties to the soldiers and seamen of the late war.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Johnson,
Andrews,	Dougherty,	Keigwin,
Armstrong,	Dwiggins,	Martindale,
Beardsley,	Francisco,	Miller,
Beeson,	Fuller,	Morgan,
Bobo,	Glessner,	Robinson,
Bradley,	Gray,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Case,	Hadley,	Steele,
Cave,	Hamilton,	Taylor,
Caven,	Hess,	Wadge,
Collett,	Hooper,	Wood—38.
Denbo,	Hughes,	

No Senator voting in the negative.

So the House resolution was adopted.

The question being, on the adoption of the resolution in relation to instructing our Senators and Representatives in Congress to vote for abolishing the franking privilege.

Mr. Hughes moved to refer the same to the committee on Federal relations.

It was agreed to.

The question being, on the adoption of House concurrent resolution in relation to the appointment of a committee by both Houses to redistrict the State for judicial purposes.

Mr. Hughes moved to refer the resolution to the committee on finance.

It was agreed to.

On motion by Mr. Fosdick,
The Senate adjourned.

WEDNESDAY, JANUARY 25, 1871, 2 O'CLOCK P. M.

The Senate met.

SPECIAL ORDER.

The consideration of the motion to reject Senate Bill No. 86, being the special order for this hour, the same was taken up.

Mr. Hughes moved a call of the Senate.

The Secretary proceeded with the call.

Those answering to their names were, Messrs.

Alsop,	Cave,	Francisco,
Andrews,	Caven,	Fuller,
Armstrong,	Collett,	Gray,
Beardsley,	Denbo,	Gregg,
Beeson,	Dittemore,	Henderson,
Bobo,	Dougherty,	Hess,
Brown,	Dwiggins,	Hooper,
Carnahan,	Elliott,	Hughes,
Case,	Fosdick,	Johnson,

Keigwin,	Robinson,	Steele,
Lasselle,	Rosebrough,	Straud,
Martindale,	Sarninghausen,	Taylor,
Morgan,	Scott,	Wadge—39.

Mr. Brown moved that further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Brown moved the previous question.

The question being upon seconding the demand for the previous question.

Messrs. Beeson and Andrews demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud—23.
Denbo,	Hughes,	

Those who voted in the negative were, Messrs.

Andrews,	Elliott,	Martindale,
Beardsley,	Fosdick,	Robinson,
Beeson,	Gray,	Scott,
Case,	Hadley,	Steele,
Caven,	Hamilton,	Taylor,
Collett,	Hess,	Wadge—20.
Dwiggins,	Hooper,	

So the demand for the previous question was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being upon the motion to reject Senate Bill No. 86,

Messrs. Martindale and Dwiggins demanded the ayes and noes,

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Armstrong,	Francisco,	Keigwin,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—22.
Dittemore,		

Those who voted in the negative were, Messrs.

Andrews,	Elliott,	Martindale,
Beardsley,	Fosdick,	Robinson,
Beeson,	Gray,	Scott,
Case,	Hadley,	Steele,
Caven,	Hamilton,	Taylor,
Collett,	Hess,	Wadge,
Dwiggins,	Hooper,	Wood—21.

So Senate Bill No. 86 was rejected.

Message from the Governor by John M. Commons, his Private Secretary :

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 25, 1871.

MR. PRESIDENT :

I have the honor, by direction of the Governor, to transmit herewith a communication and accompanying paper, relating to the proceedings of the late Immigration Convention held in this city.

JOHN M. COMMONS,
Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 25, 1871.

Gentlemen of the Senate:

I have the honor to acknowledge the receipt of a copy of the resolution of your body, passed the 24th inst., which reads as follows, viz.:

“Resolved, That His Excellency, Governor Baker, be and is hereby requested to lay before the Senate a copy of all reports, resolutions, and other transactions, in regard to the Immigration Convention, held at Indianapolis in the month of November last.”

In response to said resolution, I beg leave to respectfully submit to the Senate herewith a printed document containing the preamble and resolutions adopted by the Immigration Convention, held at Indianapolis, in November, 1870.

The Journal of the Convention is not in my possession, but the paper herewith transmitted contains a complete statement of the result of the deliberations of the Convention.

CONRAD BAKER.

Mr. Martindale introduced

Senate Bill No. 129. A bill to provide for the adjustment of certain State indebtedness, contracted prior to the year 1841, and mentioned therein.

Which was read a first time.

Mr. Hughes moved to reject the bill.

After a somewhat lengthy discussion,

Mr. Hadley demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being upon the rejection of Senate Bill No. 129,

Messrs. Brown and Fuller demanded the ayes and nays.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Armstrong,	Francisco,	Keigwin,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud—20.
Dittemore,	Hughes,	

Those who voted in the negative were, Messrs.

Beardsley,	Fosdick,	Scott,
Beeson,	Hadley,	Steele,
Case,	Hamilton,	Taylor,
Caven,	Hess,	Wadge,
Collett,	Hooper,	Wood—17.
Dwiggins,	Martindale,	

So the motion to reject prevailed.

Mr. Hughes offered the following :

Resolved, That the committee on finance of the Senate be, and is hereby instructed, to prepare and report a bill without delay, providing for the payment of all principal and interest now due or that will become due prior to the fifth day of January, 1873, on the old internal improvement bonds not surrendered, under the laws commonly called the Butler bill and acts amendatory thereof and supplemental thereto, and that said bill shall provide for the payment of said principal and interest, the time and place of payment, and amounts according to the terms of said bonds, and interest at the rate of six per cent. per annum shall be allowed upon coupons over due from and after their redemption.

On motion of Mr. Wood,

The Senate adjourned.

THURSDAY MORNING.

JANUARY 26, 1871, 10 O'CLOCK, A. M.

The Senate met.

Prayer by Rev. F. C. Holliday, of Roberts Park Methodist Episcopal Church.

Pending the reading of the Journal of yesterday,

Mr. Fuller moved that the further reading thereof be dispensed with.

Which was not agreed to.

The Journal of yesterday was read and approved.

Message from the Governor by John M. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 25, 1871.

MR. PRESIDENT:

By direction of the Governor, I have the honor to lay before the Senate a communication accompanied by the report of the Board of Managers of the Indiana Reformatory Institution for Women and Girls, and also the report of the Adjutant General of the State.

(Signed,)

JOHN M. COMMONS,
Private Secretary.

Gentlemen of the Senate and

House of Representatives:

I herewith respectfully transmit a copy of the report of the Board of Managers of the Indiana Reformatory Institution for Women and Girls.

Also, a copy of the report of the Adjutant General of the State.

CONRAD BAKER.

The President also laid before the Senate the report of R. H. Milroy, Trustee of the Wabash and Erie Canal.

On motion of Mr. Dwiggins,

Five hundred copies of the report of the Trustee of the Wabash and Erie Canal and accompanying documents were ordered to be printed, and the same was referred to the committee on canals and internal improvements.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hess presented a petition from the citizens of the State of Indiana asking the creation of a board of supervisors to inspect and watch over the condition of the prisons, reformatories, and benevolent institutions; and to pass a law for the improvement of our county jails. And also, to take the initiatory steps at the present session for the erection of an intermediate State prison for younger and less hardened criminals.

Which was,

On motion,

Referred to the committee on reformatory institutions.

Messages from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled concurrent resolution of the House, instructing our Senators and requesting our Representatives in Congress to oppose, with their votes and influence, any further donations of public lands to any private corporations; and the same is herewith transmitted to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed House Joint Resolution No. 10, and the same is herewith transmitted to the Senate.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate

that he has signed enrolled Joint Resolution No. 7, of the House, instructing, etc., and the same is herewith transmitted to the Senate for the signature of the President thereof.

Mr. Hubbard presented a petition from the citizens of the county of St. Joseph, asking an increase of pay of judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Hadley presented a petition from the citizens and farmers of Hendricks county, asking an amendment to the game law approved in 1867, so that it will be unlawful to trap quails at any season of the year.

Which was,

On motion,

Referred to the committee on agriculture.

REPORTS FROM STANDING COMMITTEES.

Mr. Bradley, from the committee on phraseology, arrangement of bills and enrolled bills, made the following report:

MR. PRESIDENT:

The committee to whom was referred enrolled Joint Resolution No. 1, of the Senate, entitled "A joint resolution proposing an amendment to the Constitution, by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie Canal," have had the same under consideration, and have instructed me to report that they find the same to be correctly and properly enrolled.

Which report was concurred in.

Mr. Johnson moved that the regular order of business be suspended, and that Senate bills on second reading be taken up.

Which was agreed to.

Senate Bill No. 43. A bill to legalize the sale of seminary lands

in Jasper county, to Marion L. Spitler and Margaret Stackhouse, and directing how proceeds of said sale shall be applied.

Which was read a second time by its title, and

On motion,

Referred to the committee on education.

Senate Bill No. 44. A bill dividing the State into five Supreme Court Districts, providing for the appointment and election of a Judge of the Supreme Court in the Fifth District, and for the salaries of the judges of the Supreme Court.

Which was read a second time, and

On motion,

Referred to the committee on the organization of courts.

Senate Bill No. 45. A bill to legalize the extension of plank, Macadamized, gravel and turnpike roads beyond the termini thereof, as set forth in the articles of association of such companies heretofore made in certain cases, and to authorize such extensions to be made hereafter in certain cases.

Which was read a second time by title, and

On motion,

Referred to the committee on roads.

Senate Bill No. 46. A bill to encourage the destruction of foxes and wildcats.

Which was read a second time by its title, and,

On motion,

Referred to the committee on agriculture.

Senate Bill No. 47. A bill to repeal an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others; and also repealing an act to license dogs, approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protection of sheep," approved June 15, 1852, approved March 2, 1865.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Senate Bill No. 48. A bill for an act supplemental to an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect May 22, 1869.

Which was read a second time by its title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 49. A bill to amend an act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith and declaring an emergency, approved March 11, 1867.

Which was read a second time by its title, and,

On motion,

Referred to the committee on agriculture.

Senate Bill No. 50. A bill to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of the Judges thereof.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the organization of courts.

Senate Bill No. 51. A bill to regulate insurance companies.

Which was read a second time by its title, and,

On motion,

Referred to the committee on insurance.

Senate Bill No. 52. A bill prohibiting the Prosecuting Attorneys of the Circuit Courts from entering a *nolle prosequi* in any State case without the consent of the Court, and declaring an emergency.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 53. A bill to authorize trustees to sell real estate

and to invest the proceeds of sales for the benefit of their *cestui quee* trusts.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 54. A bill authorizing married women to make contracts, rendering their separate property liable therefor, exempting such property and their earnings from the debts of their husbands, and exempting the property of husbands from the separate debts of wives, made as "sole traders."

Which was read a second time, and,

On motion,

Referred to the select committee on female suffrage.

Senate Bill No. 55. A bill to amend section 2 of an act entitled "An act relating to the redemption of real property," approved June 4, 1861.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 56. An act to amend section 30 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved December 20, 1865.

Which was read a second time, and,

On motion,

Referred to the committee on roads.

Senate Bill No. 57. A bill authorizing and empowering the Clerk of the Circuit Court and the Court of Common Pleas to grant restraining orders and temporary injunctions, providing the mode by which they may be dissolved or modified, authorizing and empowering the Judge of the Circuit Courts to hear and determine applications in cases pending in the Courts of Common Pleas, and authorizing and empowering the Judge of the Court of Common

Pleas to hear and determine like cases pending in the Circuit Courts.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 58. A bill to amend sections 1 and 2 of an act entitled "An act to amend the 13th and 14th sections of an act entitled 'An act providing for the election and qualifications of justices of the peace, defining their jurisdictions, powers and duties in civil cases,'" approved June 6, 1862, approved March 9, 1861.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the organization of courts.

Senate Bill No. 59. A bill fixing the rate of interest on money, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a second time by title, and,

On motion,

Referred to the committee on finance.

Senate Bill No. 60. A bill authorizing cities, towns and townships to negotiate bonds for school building purposes, and authorizing the collection of a tax for the payment of such bonds.

Which was read a first time by title.

Mr. Fosdick offered the following amendment:

Amend section one by striking out "eight" in the fifteenth line, and inserting "ten."

Amend section three, by inserting in the seventh line, after the word "collected," the following: "On all property in such city, town or township, and on all property owned by any person attached to such city, town or township, for school purposes, and on each taxable poll."

The bill and amendment were,

On motion,

Referred to the committee on education.

Senate Bill No. 61. A bill providing for the taxation of water

works companies, and associations for furnishing water to cities and towns.

Which was read a second time by title, and,
On motion,
Referred to the committee on corporations.

Senate Bill No. 62. A bill to authorize townships to aid in the erection of bridges for common travel.

Which was read a second time by title, and,
On motion,
Referred to the committee on county and township business.

Senate Bill No. 63. A bill to establish an insurance bureau.

Which was read a second time by title, and,
On motion,
Referred to the committee on insurance.

Senate Bill No. 64. A bill relating to insurance companies (joint stock companies.)

Which was read a second time by its title, and,
On motion,
Referred to the committee on insurance.

Senate Bill No. 65. A bill to amend the 18th section of an act entitled "An act regulating descent, and the apportionment of estates," approved May 14, 1852, and validating deeds of conveyance made in contravention thereof.

Which was read a second time by title, and,
On motion,
Referred to the committee on the judiciary.

Senate Bill No. 66. A bill authorizing metropolitan police districts in incorporated cities having a population of not less than twenty thousand inhabitants, according to the United States census for the year 1870, and providing for the government thereof.

Was read a second time by title.

Mr. Dittmore moved to refer the bill to the committee on corporations.

Mr. Caven offered the following amendment:

Amend by referring the bill to a select committee, composed of Senators representing counties containing cities having a population greater than twenty thousand.

Mr. Dittamore moved to lay the amendment offered by Mr. Caven upon the table.

Messrs. Martindale and Caven demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittamore,	Hughes,
Armstrong,	Dougherty,	Johnson,
Beggs,	Francisco,	Keigwin,
Bobo,	Fuller,	Rosebrough,
Bradley,	Glessner,	Sarninghausen,
Cave,	Gregg,	Straud,
Denbo,	Henderson,	Williams—21.

Those who voted in the negative were, Messrs.

Andrews,	Fosdick,	Martindale,
Beardsley,	Gray,	Robinson,
Beeson,	Hadley,	Scott,
Case,	Hamilton,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Dwiggins,	Hubbard,	Wood—21.

The Lieutenant Governor voting in the negative.

So the motion to lie upon the table did not prevail.

The question recurring upon the adoption of the amendment offered by Mr. Caven,

Mr. Williams raised the point that the first question in order was the motion to refer to the standing committee.

The point of order was sustained by the Chair.

The question being upon the motion to refer to the committee on corporations,

The ayes and noes were demanded by Messrs. Martindale and Hadley.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Armstrong,	Francisco,	Keigwin,
Beggs,	Fuller,	Lasselle,
Bobo,	Glessner,	Rosebrough,
Bradley,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—22.
Dittemore,		

Those who voted in the negative were, Messrs.

Andrews,	Fosdick,	Martindale,
Beardsley,	Gray,	Robinson,
Beeson,	Hadley,	Steele,
Case,	Hamilton,	Taylor,
Caven,	Hess,	Wadge,
Collett,	Hooper,	Wood—20.
Dwiggins,	Hubbard,	

So the bill was referred to the committee on corporations.

Mr. Hughes moved that one Senator from Marion county, to be named by the Chair, be added to the committee on corporations, with the right to vote.

Mr. Lasselle moved that Mr. Dittemore be added to the committee on corporations, with the right to vote.

Mr. Hadley raised the point of order that Rule 8th of the standing rules of the Senate limits the number of the standing committees of the Senate to seven Senators.

Which point of order was sustained by the Chair, and the motions of Messrs. Hughes and Lasselle declared out of order.

Senate Bill No. 67. A bill to amend the title of an act concern-

ing licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain, approved June 15, 1852.

Which was read a second time by its title, and,

On motion,

Referred to the committee on county and township business.

Senate Bill No. 68. A bill to amend the 69th Section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their power and rights and the manner in which they shall exercise the same, and to regulate such other matters as pertain thereto," approved March 4, 1867.

Which was read a second time by its title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 69. A bill authorizing plank, macadamized and gravel road companies to enter upon lands, to construct drains and appropriate material, by giving notice and having value of materials appraised.

Which was read a second time by title, and

On motion,

Referred to the committee on roads.

Senate Bill No. 70. A bill to repeal the second section of an act entitled "An act repealing sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty, twenty-one, and twenty-two of an act entitled 'An act to provide for the registry of voters, and so declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers herein named, and the form of the ballots, and providing compensation for services of such officers,' approved March 11, 1867, and prescribing further duties of the officers of elections, and providing for the appointment of the necessary officers and clerks for holding such elections," approved March 13, 1867.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 71. A bill to establish a rate of interest upon judgments rendered upon contracts, stipulating for a greater rate of interest than six per cent.

Which was read a second time by title, and,

On motion,

Referred to the committee on finance.

Senate Bill No. 72. A bill to amend the 16th section of an act entitled "An act supplemental to an act entitled 'An act concerning real property and the alienation thereof,'" approved May 6, 1852, and to provide for the sale and conveyance of the interest of an insane wife in the lands of her husband.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 73. A bill to authorize the organization of voluntary associations, prescribing their powers and defining their duties, and repealing all former laws on that subject, and legalizing the acts of associations founded under laws which have been repealed.

Which was read a second time by title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 74. A bill to amend the eighth section of an act entitled "An act to enable trustees to receive lands and donations, and convey the same, for the use of schools, churches, religious societies, Masonic and Odd Fellows Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, and other buildings therein mentioned," approved June 17, 1852.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 75. A bill to regulate the publication of legal advertisements.

Which was read a second time by title, and,

On motion,

Referred to the committee on public printing.

Senate Bill No. 76. A bill to amend section two of an act entitled "An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency," approved March 11, 1867.

Which was read a second time by its title, and,

On motion,

Referred to the committee on agriculture.

Senate Bill No. 77. A bill in relation to promissory notes, bank checks and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance, and payment of the same.

Which was read a second time by its title, and,

On motion,

Referred to the committee on banks.

Senate Bill No. 78. A bill, to provide for the compensation of judges when performing extra services.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 79. A bill to authorize incorporated cities and towns to condemn stone and gravel situated within one mile and a half of their corporate limits, for the purpose of constructing and repairing streets and alleys, and other public improvements, under the same rules and regulations that are now provided by law for other corporations to condemn stone and gravel.

Which was read a second time by its title,

On motion,

Referred to the committee on corporations.

Senate Bill No. 80. A bill relating to appeals to the Supreme Court.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 81. A bill to confer power upon Circuit Courts

and Courts of Common Pleas, and the judges thereof; to appoint clerks of such courts, and other persons; to grant injunctions and writs of habeas corpus; to hear and try issues in proceedings therefor and thereunder; to tax and collect costs therein, and to allow judges of said courts in vacation to modify or vacate injunctions, and to authorize appeals therefrom.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 82. A bill to legalize certain donations made by boards of county commissioners of this State.

Which was read a second time, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 83. A bill to extend the time for the completion of certain railroads, and to legalize the acts of their boards of directors.

Which was read a second time by its title, and,

On motion,

Referred to the committee on railroads.

Senate Bill No. 84. A bill to authorize the election of a county engineer and three road commissioners, and the appointment of an examiner of county engineers, and defining their qualifications and duties, and providing for the laying out, locating, changing and vacating, constructing, repairing and maintaining public highways, and for levying, collecting and expending road tax, and repealing all laws and parts of laws in conflict therewith.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 85. A bill fixing the compensation of clerks, sheriffs, auditors, treasurers and recorders of the several counties in this State, to repeal all laws conflicting with the provisions of this act, and to declare an emergency.

Which was read a second time by its title, and,

On motion,

Referred to the committee on fees and salaries.

Senate Bill No. 87. A bill to amend an act entitled "An act to provide a treasury system for the State of Indiana; for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of public moneys, and providing a penalty for the violation thereof.

Which was read a second time by its title, and,

On motion,

Referred to the committee on finance.

Senate Bill No. 88. A bill making appropriations for erecting a suitable building for the accommodation of the Cabinet of Natural History of Indiana University, and for extinguishing the debts and enlarging the usefulness thereof.

Which was read a second time by its title, and,

On motion,

Referred to the committee on education.

Senate Bill No. 89. A bill to amend section 24 of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852, and amendatory of said act.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 90. A bill to amend sections 63 and 69, of chapter 12, of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.

Which was read a second time by its title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 91. A bill to amend section 56 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration

of justice in a uniform rule of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 93. A bill to provide for the payment of certain claims for ditching swamp lands, out of the general swamp land fund.

Which was read a second time by title, and,

On motion,

Referred to the committee on claims.

Senate Bill No. 94. A bill to prevent public roads from being changed or obstructed in certain cases therein provided for.

Which was read a second time by its title, and,

On motion,

Referred to the committee on roads.

Senate Bill No. 95. A bill to amend the 10th section of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the organization of courts.

Senate Bill No. 96. A bill to further define the offense of bribery, and prescribe the punishment therefor.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 97. A bill supplemental to an act entitled "An act authorizing the assessment of land for plank, Macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and regulating the law on that subject," approved March 11, 1867, approved May 14, 1869.

Which was read a second time by title, and,

On motion,

Referred to the committee on roads.

Senate Bill No. 98. A bill to confine and make valid sales of real estate in the State of Indiana made by trustees, and by domestic and foreign executors, and declaring an emergency.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 99. A bill in relation to taking, holding, conveying, and transmitting real estate by aliens.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 100. A bill to make parties in suits for divorce competent witnesses, and to repeal all laws inconsistent therewith.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Mr. Hadley moved that the Senate adjourn.

It was not agreed to.

Senate Bill No. 101. A bill to amend section five of an act entitled "An act to provide for a general system of common schools."

Which was read a second time by title, and,

On motion,

Referred to the committee on education.

Senate Bill No. 102. A bill to amend section forty-seven of an act entitled "An act to provide for opening, vacating, and change of highways," approved June 17, 1852.

Which was read a second time by title, and,

On motion,

Referred to the committee on roads.

Senate Bill No. 103. A bill to amend section three of an act entitled "An act regulating docket fees of district attorneys in the Courts of Common Pleas, and before justices of the peace, and

regulating prosecuting and district attorney's fees on prosecutions on forfeited recognizances," approved June 4, 1861.

Which was read a second time by title, and,

On motion,

Referred to the committee on fees and salaries.

Senate Bill No. 104. A bill to provide for the election of trustees for the State, and prescribing some of the duties of such officers, and repealing all laws inconsistent with the provisions of this act, and to fix the time for the taking effect of this act.

Which was read a second time by title, and,

On motion,

Referred to the committee on benevolent institutions.

Senate Bill No. 106. A bill to repeal an act entitled "An act to authorize aid to the construction of railroads, by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, and declaring an emergency.

Which was read a second time by title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 107. A bill to amend an act entitled "An act to create a State Normal School, and declaring an emergency," approved December 20, 1865, and to appropriate the funds necessary for the completion of said State Normal School, and providing from what fund the same shall be taken and appropriated, and adding supplementary sections thereto.

Which was read a second time by title, and,

On motion,

Referred to the committee on education.

On motion of Mr. Denbo,

The Senate adjourned.

THURSDAY, JANUARY 26, 1871, 2 O'CLOCK P. M.

The Senate met.

Mr. Rosebrough moved a call of the Senate.

The ayes and noes were demanded by Messrs. Martindale and Collett.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Hughes,
Armstrong,	Dougherty,	Johnson,
Beggs,	Elliott,	Keigwin,
Bobo,	Fosdick,	Rosebrough,
Bradley,	Fuller,	Sarninghausen,
Case,	Glessner,	Straud,
Cave,	Gregg,	Williams—23.
Denbo,	Henderson,	

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Martindale,
Beardsley,	Hadley,	Robinson,
Beeson,	Hamilton,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Dwiggins,	Hubbard,	Wood—18.

So a call of the Senate was ordered.

The Secretary proceeded with the call.

Those who answered to their names were, Messrs.

Alsop,	Bobo,	Denbo,
Andrews,	Bradley,	Dittemore,
Armstrong,	Case,	Dougherty,
Beardsley,	Cave,	Dwiggins,
Beeson,	Caven,	Elliott,
Beggs,	Collett,	Fosdick,

Francisco,	Hooper,	Sarninghausen,
Fuller,	Hubbard,	Scott,
Glessner,	Hughes,	Steele,
Gray,	Johnson,	Straud,
Gregg,	Keigwin,	Taylor,
Hadley,	Martindale,	Wadge,
Hamilton,	Robinson,	Williams,
Henderson,	Rosebrough,	Wood—43.
Hess,		

Mr. Dittmore moved that further proceedings under the call be dispensed with.

Which was agreed to.

SPECIAL ORDER.

Senate Joint Resolution No. 7, "A joint resolution concerning the so-called Fifteenth Amendment to the Constitution of the United States, and its pretended ratification, and proposing a convention of the States to amend the Constitution of the United States," being the special order for this hour (2 o'clock P. M.) the same was taken up and read.

Mr. Hughes moved to refer the resolution to the committee on elections, and upon that motion demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being upon the motion to refer Joint Resolution No. 7 to the committee on elections.

It was agreed to.

Senate Bill No. 108. A bill defining bribery and prescribing a punishment therefor, and repealing all laws in conflict therewith.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 109. A bill supplemental to "An act concerning

inclosures, trespassing animals, and partition fences," approved June 4, 1852.

Which was read a second time by its title, and,
On motion,
Referred to the committee on agriculture.

Senate Bill No. 110. A bill to amend section 58 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a second time by its title, and,
On motion,
Referred to the committee on the judiciary.

Senate Bill No. 111. A bill to provide for a more extended and improved system of college and university education in the State.

Which was read a second time by its title, and,
On motion,
Referred to the committee on education.

Senate Bill No. 112. A bill to provide for the election of a supervisor and board of commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers, and repealing all laws in conflict therewith, and declaring an emergency for the taking effect hereof.

Which was read a second time by its title, and,
On motion,
Referred to the committee on benevolent institutions.

Senate Bill No. 113. A bill authorizing suits to be brought in the partnership name only in certain cases, and declaring the effect thereof.

Which was read a second time by title, and,
On motion,
Referred to the committee on the judiciary.

Senate Bill No. 114. A bill to provide for the acquisition and

enjoyment by the United States of lands within this State for public purposes.

Which was read a second time by title, and,
On motion,
Referred to the committee on the judiciary.

Senate Bill No. 115. A bill to distribute the surplus swamp land fund, now in the State Treasury, to the counties from whom it was collected.

Which was read a second time by title, and,
On motion,
Referred to the committee on swamp lands.

Senate Bill No. 116. A bill to authorize the Auditor and Secretary of State to organize the two Houses of the General Assembly of the State of Indiana.

Which was read a second time by title, and,
On motion,
Referred to the committee on finance.

Senate Bill No. 117. A bill to authorize and empower cities now incorporated under an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and now owning real estate, to sell and convey the same in whole or in parcels, as the Common Council of such cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency.

Which was read a second time by title, and,
On motion,
Referred to the committee on corporations.

Senate Bill No. 118. A bill to amend section 17 of an act entitled "An act providing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852.

Which was read a second time by title, and,
On motion,
Referred to the committee on county and township business.

Senate Bill No. 119. A bill supplemental to an act entitled "An act authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved March 11, 1867. The above entitled act having been approved May 14, 1869, and repealing so much of said act as effects such companies not organized at the taking effect of this act.

Which was read a second time by title, and,

On motion,

Referred to the committee on roads.

Senate Bill No. 120. A bill for the relief of the Treasurer of Vermillion county, Indiana, and his sureties.

Which was read a second time by title, and,

On motion,

Referred to the committee on finance.

Senate Bill No. 121. A bill to amend sections 7 and 49 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

A message from the Governor by John M. Commons, his Private Secretary :

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 26, 1871.

MR. PRESIDENT:

By direction of the Governor, I have the honor to present to the Senate a communication and accompanying papers in relation to the Michigan City harbor, and also to respectfully transmit a communication accompanied by the report of the Board of Trustees of the State Normal School.

JOHN M. COMMONS,
Private Secretary.

*Gentlemen of the Senate and
House of Representatives:*

I herewith respectfully transmit a copy of the proceedings of a meeting of the Common Council of Michigan City, soliciting the General Assembly to request our Senators and Representatives in Congress to use all proper efforts to secure a further appropriation for the harbor at Michigan City. I cordially join in the request of the Common Council of Michigan City in soliciting such action on your part as will be most likely to secure the appropriation.

I also herewith respectfully transmit the report of the Board of Trustees of the Indiana State Normal School.

CONRAD BAKER.

*Proceedings of a meeting of the Common Council of the City of
Michigan City.*

At a regular meeting of the Common Council of the city of Michigan City, held in the Council Room on Monday evening, January 23, 1871, the following preamble and resolution was adopted:

WHEREAS, The benefits of the construction of the harbor at Michigan City has become a necessity to the State of Indiana and other States contiguous thereto; therefore,

Be it resolved, That His Excellency, Conrad Baker, Governor of the State of Indiana, be requested to ask the General Assembly of the State of Indiana to take the proper action to instruct the Senators and Representatives of the State of Indiana, in Congress of the United States, to use all honorable means to secure a further appropriation for the harbor at Michigan City.

IN TESTIMONY WHEREOF, I have hereunto set my hand
[SEAL.] and affixed the seal of said city, this, twenty-third day of
January, 1871.

E. J. CHURCH, City Clerk.

Senate Bill No. 122. A bill to repeal an act entitled "An act to limit the number of grand jurors and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith," approved March 4th, 1852; to repeal sections 14, 15, 16, 17, and 18 of an act entitled "An act to revise,

simplify and abridge the practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852; to abolish grand juries, to empower Prosecuting Attorneys, to prosecute all crimes and misdemeanors by information.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 123. A bill to amend the third section of an act entitled "An act regulating docket fees of District Attorneys in the Courts of Common Pleas and before justices of the peace, and regulating Prosecuting and District Attorneys' fees for prosecutions on forfeited recognizances."

Which was read a second time by its title, and,

On motion,

Referred to the committee on fees and salaries.

Senate Bill No. 124. A bill to amend sections ninety-seven and ninety-eight of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Which was read a second time by its title, and,

On motion,

Referred to the committee on county and township business.

Senate Bill No. 125. A bill to amend section one of an act entitled "An act to amend the first section of an act entitled 'an act for the protection of sidewalks in towns and villages, and for the preservation of shade trees planted along the same,' approved March 3, 1869, so as to protect sidewalks outside of towns and villages," approved March 9, 1869.

Which was read a second time by title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 126. A bill to limit the amount allowed by
S. J.—20

judges of courts and boards of county commissioners of the several counties of the State of Indiana, to attorneys for prosecuting or defending criminals.

Which was read a second time, and,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Senate Bill No. 127. A bill to amend an act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for the violation of this act, and declaring an emergency, approved March 9, 1867.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Senate Bill No. 128. A bill to amend sections 349 and 350 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a second time by its title, and,

On motion,

Referred to the committee on the judiciary.

By consent of the Senate,

Mr. Brown introduced

Senate Bill No. 130. A bill to amend section one of an act entitled "An act to incorporate the University of Notre Dame Du Lac, at South Bend, St. Joseph county, Indiana," approved January 15, 1844.

Which was read a first time, and passed to a second reading on to-morrow.

By consent of the Senate,

Mr. Hadley introduced

Senate Bill No. 131. A bill supplemental to an act passed De-

cember 18th, 1865, entitled "an act to secure a just valuation and taxation of all railroad property within this State, to legalize the valuation, assessment, adjustment, and payment of taxes for such property made subsequent to the year 1854," and to amend sections five and eight of the same act.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hughes offered the following:

Resolved, That one additional copy of the Indianapolis Daily Sentinel and Indianapolis Daily Journal each, be furnished by the Doorkeeper for each Senator; *Provided*, said papers will furnish and contain a correct account of the proceedings of the Legislature, and a fair and full abstract of the debates from day to day, reserving the right to the Senate to discontinue said papers, or either of them, at any time.

Mr. Martindale moved to amend as follows:

And that the committee on public printing are instructed to ascertain the probable cost of an official reporter; also, report the amount that has been paid for the last six years for the printing and binding of the Brevier Reports, and that said committee be requested to report by Tuesday next.

Which amendment was accepted by Mr. Hughes.

On motion by Mr. Scott,

The resolution, as amended, was referred to the committee on public printing.

INTRODUCTION OF BILLS.

Mr. Wood introduced

Senate Bill No. 132. A bill to amend sections one, three and seven of an act authorizing the assessment of lands for plank, macadamized and gravel road purposes, and to legalize assessments heretofore made.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fuller introduced

Senate Bill No. 133. A bill declaring any person who is in the habit of becoming intoxicated ineligible to hold any office of public trust, prescribing the duty of county commissioners and judges of the Supreme Court in such cases, and making it a misdemeanor for any one to sell or give any intoxicating drinks, except cider, to any one who is an habitual drunkard, prescribing punishment therefor, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Denbo introduced

Senate Bill No. 134. A bill supplemental to an act entitled "An act providing for the election of supervisors of highways."

Which was read a first time and passed to a second reading on to-morrow.

Mr. Dougherty introduced

Senate Bill No. 135. A bill prescribing the manner of authorizing sheriff's sales.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Wood introduced

Senate Bill No. 136. A bill to fix the time of holding the Circuit Courts in the Eighth Judicial Circuit, prescribing the length of the terms thereof, and repealing all laws in conflict herewith.

Which was read a first time.

Mr. Wood moved that the constitutional rule be suspended, and that the bill be read a second time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Andrews,
Armstrong,

Beardsley,
Beeson,

Beggs,
Bobo,

Bradley,	Fuller,	Martindale,
Case,	Glessner,	Robinson,
Caven,	Gregg,	Rosebrough,
Denbo,	Hadley,	Sarninghausen,
Dougherty,	Hamilton,	Steele,
Dwiggins,	Hess,	Wadge,
Fosdick,	Hooper,	Wood—29.
Francisco,	Hubbard,	

Those who voted in the negative were, Messrs.

Hughes,	Johnson,	Straud.—3
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No quorum voting.

Mr. Dittemore moved a call of the Senate.

Which was agreed to.

The Secretary proceeded with the call.

Those answering to their names were, Messrs.

Alsop,	Denbo,	Hubbard,
Andrews,	Dittemore,	Hughes,
Armstrong,	Dougherty,	Johnson,
Beardsley,	Dwiggins,	Martindale,
Beeson,	Fosdick,	Robinson,
Beggs,	Francisco,	Rosebrough,
Bobo,	Glessner,	Sarninghausen,
Bradley,	Gregg,	Steele,
Case,	Hadley,	Straud,
Cave,	Hamilton,	Wadge,
Caven,	Hess,	Wood—35.
Collett,	Hooper,	

Mr. Dittemore moved that the doors be locked, and that the absentees be sent for.

Which was not agreed to.

Mr. Hughes moved that the further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Fosdick moved that the Senate adjourn.

The ayes and noes were demanded by one-tenth of the Senate.

Those who voted in the affirmative were, Messrs.

Andrews,	Case,	Hamilton,
Beardsley,	Collett,	Hooper,
Beeson,	Fosdick,	Sarninghausen,
Bobo,	Hadley,	Wood—12.

Those who voted in the negative were, Messrs.

Alsop,	Dougherty,	Hughes,
Armstrong,	Dwiggins,	Johnson,
Beggs,	Francisco,	Martindale,
Bradley,	Fuller,	Robinson,
Cave,	Glessner,	Rosebrough,
Caven,	Gregg,	Steele,
Denbo,	Hess,	Straud,
Dittemore,	Hubbard,	Wadge.—24

So the motion to adjourn did not prevail.

By consent of the Senate,

Mr. Dwiggins presented the claim of Mr. John Lefler.

Which was,

On motion,

Referred to the committee on claims, without reading.

Mr. Dittemore offered the following:

Resolved, That when the Senate adjourns to-day, it will adjourn to meet to-morrow at two o'clock P. M.

Which was adopted.

Engrossed House Bill No. 3. A bill to fix the time of holding the Circuit Court in the several counties of the Third Judicial Circuit, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a second time, and passed to its third reading on to-morrow.

Engrossed House Bill No. 2. A bill to amend sections four and six of "An act prescribing the powers and duties of coroners," approved May 27, 1852, and providing for an emergency.

Which was read a second time, and passed to a third reading on to-morrow.

Engrossed House Bill No. 11. A bill fixing the beginning of the terms of the Court of Common Pleas of Dearborn county, in the Fifth Judicial District.

Which was read a second time, and passed to a third reading on to-morrow.

Engrossed House Bill No. 10. A bill to amend section one of an act entitled "An act to amend section forty-three of an act entitled 'An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement,' approved July 17, 1852," approved February 19, 1869.

Which was read a second time, and passed to a third reading on to-morrow.

On motion by Mr. Rosebrough,
The Senate adjourned.

FRIDAY AFTERNOON.

JANUARY 27, 1871, 2 O'CLOCK.

The Senate met.

Prayer by Rev. Henry Day, of the First Baptist Church, of Indianapolis.

Pending the reading of the Journal of yesterday,

Mr. Wadge moved that the further reading thereof be dispensed with.

Which was agreed to.

The President laid before the Senate the report of the Board of Trustees of the Indiana State Normal School.

Which was,

On motion,

Referred to the committee on education.

Message from the Governor by John M. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 25, 1871.

MR. PRESIDENT:

I have the honor, by direction of the Governor, to transmit herewith a communication and accompanying paper, relating to the proceedings of the late Immigration Convention held in this city.

JOHN M. COMMONS,
Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 25, 1871.

Gentlemen of the Senate:

I have the honor to acknowledge the receipt of a copy of the

resolution of your body, passed the 24th inst., which reads as follows, viz.:

“Resolved, That His Excellency, Governor Baker, be and is hereby requested to lay before the Senate a copy of all reports, resolutions, and other transactions, in regard to the Immigration Convention, held at Indianapolis in the month of November last.”

In response to said resolution, I beg leave to respectfully submit to the Senate herewith a printed document containing the preamble and resolutions adopted by the Immigration Convention, held at Indianapolis, in November, 1870.

The Journal of the Convention is not in my possession, but the paper herewith transmitted contains a complete statement of the result of the deliberations of the Convention.

CONRAD BAKER.

All of which were,

On motion,

Referred to the committee on immigration.

The President laid before the Senate the following communication:

To the Honorable, the President of the Senate:

SIR: At the request of the committee having the matter in charge, I have the honor to transmit herewith, for the consideration of the Senate, a petition on behalf of the surviving soldiers of the war of 1812, praying for the passage of a joint resolution in favor of a bill which passed the House of Representatives of the United States at the last session of Congress, and is now pending in the Senate of the United States, providing for granting pensions to said surviving soldiers. I cordially join in the prayer of the petition.

I have the honor to be, very respectfully,

Your obedient servant,

CONRAD BAKER.

Also, the petition of a committee and other citizens of the State on behalf of the surviving soldiers of the war of 1812, asking the General Assembly to memorialize the Senate of the United States

in favor of the passage of the House bill of last session, now pending in the Senate, granting pensions to said soldiers.

Which were,

On motion,

Referred to the committee on military affairs.

The preamble and resolution of the Common Council of the city of Michigan City, Indiana, adopted January 23, 1871, and the Governor's communication accompanying the same, which was laid before the Senate on yesterday, was,

On motion,

Referred to a select committee of three, consisting of Messrs. Bradley, Wadge and Hubbard.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hess presented two petitions from the citizens of Henry county, praying for the repeal of all the divorce laws of our State, except that which provides for the legal separation of husband and wife for the crime of adultery.

Which were,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Mr. Andrews presented the petition of practicing attorneys of Jennings county, asking for an increase in the pay of judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Henderson presented a petition from the practicing attorneys of Jennings county, asking for the increase of salaries of judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

Messages from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed engrossed Senate Bill No. 39, entitled "An act amendatory of an act accepting the provisions of an act of the Congress of the United States of America, entitled 'an act donating land to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic's arts,' providing for the receipt, investment and management of said donation," passed March 5th, 1865, and providing for an increase of the number of trustees in the Purdue University, and the election of three members of the State Board of Agriculture as trustees of Purdue University.

And the same is herewith transmitted to the Senate.

Mr. Rosebrough presented a petition from the practicing attorneys of the county of Owen, asking for an increase of pay to judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Carnahan presented a petition from the practicing attorneys of the county of Switzerland, asking that the salaries of judicial officers be increased.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Rosebrough presented two petitions from the citizens of the county of Switzerland, asking the passage of a law to suppress the traffic in intoxicating liquors as a beverage, declaring such traffic criminal, with suitable provisions for the conviction and punishment of the offender.

Which were,

On motion,

Referred to the committee on temperance.

Mr. Lasselle presented a petition from the soldiers at Knightstown, Ind., asking to remain in our own State for various reasons.

Which was,

On motion,

Referred to the committee on military affairs.

Mr. Brown read a letter published in the Daily Sentinel of January 27, 1871, from Samuel A. Verbrike, Esq., giving his understanding of the arrangement between the State and her creditors, in the contract of 1846-7, known as the "Butler Bills," and moved that it be referred to the committee on finance.

Which was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. Cave, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 94, "A bill to prevent public roads from being changed or obstructed in certain cases therein provided for," have had the same under consideration, and direct me to report it back and recommend its passage.

Mr. Cave, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred Senate Bill No. 45, "A bill to legalize the extension of plank, macadamized, gravel and turnpike roads beyond the termini thereof, as set forth in the articles of association of such companies, heretofore made in certain cases, and to authorize such extension to be made hereafter in certain cases," report that they have had the same under consideration and have directed me to report the same back, recommending its passage.

Mr. Fuller, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred Senate Bill No. 102, a bill to amend section 47 of an act entitled "An act to provide for the opening, vacating, and change of highways," approved January 17, 1852, have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

Mr. Hess, from the committee on roads, made the following report:

MR. PRESIDENT:

Your committee on roads, to whom was referred Senate Bill No. 69, entitled "an act authorizing plank, macadamized, and gravel road companies to enter upon lands, to construct drains and appropriate materials, by giving notice and having value of materials appraised," have had the same under consideration, and have directed me to report the same back and recommend its amendment, by striking from the first section the word "timber," and when so amended, recommend its passage.

Mr. Robinson, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred Senate Bill No. 24, "a bill authorizing plank, macadamized, and gravel road companies, with the concurrence of township trustees, to levy a road tax in their respective districts," report that they have had the same under consideration, and have agreed on the following amendments, and when so amended recommend its passage.

1st. Strike out from the third line of section first, the words "under existing laws of this State," and insert "under any law of this State authorizing assessments of the real estate within certain prescribed limits."

2d. Strike from the sixth and seventh lines the words, "with the concurrence of the township trustee or trustees," and insert: "By their board of directors, in concurrence with the township trustee or trustees, when in their opinion the same shall be necessary."

3d. Strike out from the eleventh and twelfth lines the words, "in the district of such company," and insert: "In the district comprising the lands taxed for the building of said roads."

Mr. Fuller, from the committee on banks, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 77, "a bill in relation to promissory notes, bank checks and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance and payment of the same," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Mr. Henderson, from the committee on fees and salaries, made the following report:

MR. PRESIDENT:

The committee on fees and salaries, to whom was referred Senate Bill No. 6, "a bill providing for specific salaries for county clerks, auditors, treasurers and sheriffs of the several counties in the State, providing for deputies, defining their duties, and repealing all laws in conflict with this act," have had the same under consideration, and have directed me to report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Denbo, from the committee on fees and salaries, made the following report:

MR. PRESIDENT:

The committee on fees and salaries, to whom was referred Senate Bill No. 85, "a bill fixing the compensation of clerks, sheriffs, auditors, treasurers, and recorders of the several counties of this State, to repeal all laws conflicting with the provisions of this act, and to declare an emergency," have had the same under consideration, and I am instructed by said committee to report the same back, recommending that the same do lie on the table.

Which was concurred in.

Mr. Glessner, from the committee on fees and salaries, made the following report:

MR. PRESIDENT:

The committee on fees and salaries, to whom was referred Senate

Bill No. 103, "a bill to amend section three of an act entitled 'an act regulating docket fees of district attorneys in the Courts of Common Pleas and before justices of the peace, and regulating proceedings, and district attorney's fees for prosecutions on forfeited recognizances,' approved June 4, 1861," report that they have had the same under consideration, and have directed me to report back the same, with a recommendation that it lie on the table.

Which was concurred in.

Mr. Hubbard, from the committee on fees and salaries, submitted the following report:

MR. PRESIDENT:

Your committee on fees and salaries, to whom was referred Senate Bill No. 123, introduced by Senator Cave, entitled "an act to amend the third section of an act regulating docket fees of District Attorneys," etc., have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr. Gray, from the committee on fees and salaries, made the following report:

MR. PRESIDENT:

The committee on fees and salaries, to whom was referred Senate Bill No. 18, "a bill making it lawful for county recorders to demand and receive their fees for recording at the time any deed, mortgage or other paper presented to them for record," have had the same under consideration, and recommend its passage.

Mr. Dittmore asked and obtained leave of absence for the committee on prisons until Monday next, at two o'clock P. M.

By unanimous consent, Mr. Gray was excused from serving on the committee on prisons until Monday at two o'clock, and Mr. Hadley was substituted in his place.

Mr. Lasselle called up his motion, heretofore made, to reconsider the vote by which the concurrent resolution in reference to granting

land to the soldiers and seamen of the late war, was adopted, on the 25th instant.

Which motion was agreed to.

Mr. Martindale moved to lay the resolution upon the table.

Which was agreed to.

Mr. Taylor offered the following:

Resolved, That when the Senate adjourn, it adjourn until Monday next, at two o'clock P. M.

Which was adopted.

BILLS INTRODUCED.

Mr. Bradley introduced

Senate Bill No. 137. A bill to provide for new trials in cases of persons convicted of felonies (homicide), when the defense is insanity, and for committing such persons to the insane asylum, under the order of the judge.

Which was read a first time.

Mr. Bradley moved that the constitutional rule be suspended, requiring bills to be read on three several days, and that the bill be read a second time now by title, for reference.

The ayes and nays were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Hubbard,
Armstrong,	Francisco,	Johnson,
Beardsley,	Fuller,	Lasselle,
Beeson,	Gray,	Martindale,
Bobo,	Glessner,	Morgan,
Bradley,	Green,	Robinson,
Carnahan,	Hadley,	Rosebrough,
Case,	Hamilton,	Sarninghausen,
Cave,	Henderson,	Scott,
Collett,	Hess,	Williams,
Denbo,	Hooper,	Wood—34.
Dougherty,		

Those who voted in the negative were, Messrs.

Dittemore, Keigwin, Straud—3.

So the constitutional rule was suspended, and Senate Bill No. 137 was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Mr. Carnahan introduced

Senate Bill No. 138. A bill to amend section 22 of an act entitled "An act concerning enclosures, partition fences and trespassing animals," approved June 4th, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Case introduced

Senate Bill No. 139. A bill to amend section 135 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Henderson (by request,) introduced

Senate Bill No. 140. A bill to prohibit the catching or killing of fish in certain waters of the State, prescribing certain penalties for the violation thereof, and repealing all laws in conflict therewith.

Was read a first time and passed to a second reading on to-morrow.

Mr. Hubbard introduced

Senate Bill No. 141. A bill to amend section 17 of an act for the incorporation of cities.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Martindale (by unanimous consent,) presented a Petition from the members of the Marion County Bar, asking the passage of a bill now pending before this body for the organization of Superior Courts.

Which was,

On motion,

Referred to the committee on the Organization of Courts.

Mr. Steele asked and obtained leave of absence until Tuesday next.

Mr. Carnahan presented the claim of Hon. Stearns Fisher, for services as Pay-Master of the Indiana Militia, for \$52,50.

Which was,

On motion,

Referred to the committee on claims.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the amendment of the Senate to a concurrent Resolution of the House providing for the printing of the Governor's message—the amendment referred to providing that two thousand, instead of fifteen hundred copies of said message shall be printed in the German language.

HOUSE MESSAGES.

House Bills on Second Reading.

Engrossed House Bill No. 84. A bill to prevent prize fighting and prescribing punishments therefor.

Was read a second time by title, and

On motion,

Referred to the committee on the Rights and Privileges of the inhabitants of the State.

House Bill No. 38. A bill to legalize the official acts of the Board of Trustees of the town of Gosport, Owen County, and all other officers of said corporation, under an act for the incorporation

of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11th, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Was read a second time, and

On motion,

Referred to the committee on Education.

Senate Bills on Second Reading.

Senate Bill No. 24. A bill authorizing plank, macadamized and gravel road companies, with the concurrence of township trustees, to levy a road tax in their respective districts.

Was read a second time with the amendments reported by the committee, and the same were adopted.

The bill was ordered to be engrossed and passed to a third reading on to-morrow.

Senate Bill No. 6. A bill providing for specific salaries for county clerks, auditors, treasurers, and sheriffs of the several counties in the State, providing for deputies, defining their duties and repealing all laws in conflict with this act.

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate Bill No. 18. A bill making it lawful for county recorders to demand and receive their fees for recording at the time, any deed, mortgage, or other papers presented to them for record.

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 21. A bill to amend section 39 of an act entitled "An act defining felonies and prescribing punishment therefor.

Was read a second time.

Mr. Martindale moved that the bill be considered engrossed, and that the Constitutional rule be suspended, and that the bill be read a third time now and put upon its passage.

The ayes and nays were taken under the Constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Lasselle,
Andrews,	Fosdick,	Martindale,
Armstrong,	Fuller,	Morgan,
Beardsley,	Glessner,	Robinson,
Beeson,	Gray,	Rosebrough,
Bobo,	Green,	Sarninghausen,
Carnahan,	Hadley,	Steele,
Case,	Hamilton,	Straud,
Cave,	Hess,	Taylor,
Caven,	Hooper,	Wadge,
Collett,	Hubbard,	Wood—34.
Dougherty,		

Those who voted in the negative were, Messrs.

Denbo,	Francisco,	Johnson,
Dittemore,	Gregg,	Keigwin—6.

So the Constitutional rule was suspended, and Senate Bill No. 21 was read a third time.

By unanimous consent of the Senate,

Mr. Glessner offered the following amendment:

“And be ineligible to hold any office of trust or profit and be disfranchised for any determinate period.”

Which was agreed to.

The question being, shall the bill pass.

Those who voted in the affirmative were, Messrs.

Alsop,	Carnahan,	Dwiggins,
Andrews,	Case,	Fosdick,
Armstrong,	Cave,	Francisco,
Beardsley,	Caven,	Fuller,
Beeson,	Collett,	Glessner,
Beggs,	Denbo,	Gray,
Bobo,	Dittemore,	Green,
Bradley,	Dougherty,	Gregg,

Hadley,	Lasselle,	Scott,
Hamilton,	Martindale,	Steele,
Hess,	Morgan,	Straud,
Hooper,	Robinson,	Taylor,
Hubbard,	Rosebrough,	Wadge,
Johnson,	Sarninghausen,	Wood—43.
Keigwin,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Ordered, that the Secretary inform the House thereof.

Senate Bill No. 69. A bill authorizing plank, macadamized and gravel road companies to enter upon lands, to construct drains and appropriate materials, by giving notice and having value of material appraised.

Was read a second time, with amendments.

Amendments adopted, and ordered to be engrossed for a third reading on to-morrow.

Senate Bill No. 9. A bill regulating interest on money.

Was read a second time, with pending amendments thereto.

Mr. Bradley moved that the bill and pending amendments, be indefinitely postponed.

Mr. Beggs moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put.

It was so ordered.

The question being, on the motion to indefinitely postpone.

Messrs. Wood and Martindale demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Francisco,	Keigwin,
Beggs,	Fuller,	Lasselle,
Bobo,	Glessner,	Sarninghausen,
Bradley,	Gregg,	Steele,
Carnahan,	Henderson,	Straud,
Cave,	Johnson,	Williams—19.
Denbo,		

Those who voted in the negative were, Messrs.

Andrews,	Dwiggins,	Martindale,
Armstrong,	Fosdick,	Morgan,
Beardsley,	Gray,	Robinson,
Beeson,	Green,	Rosebrough,
Case,	Hadley,	Scott,
Caven,	Hamilton,	Taylor,
Collett,	Hess,	Wadge,
Dittemore,	Hooper,	Wood—26.
Dougherty,	Hubbard,	

So the motion to indefinitely postpone did not prevail.

Mr. Collett asked and obtained leave of absence until Tuesday next.

On motion by Mr. Rosebrough,
The Senate adjourned.

MONDAY AFTERNOON.

JANUARY 30, 1871, 2 O'CLOCK P. M.

The Senate met.

Prayer by the Rev. W. F. Black, President of the North Western Christian University.

The Secretary proceeded to read the Journal.

Mr. Dittmore moved that the further reading thereof be dispensed with.

Which was not agreed to.

The Journal was then read and approved.

Mr. Bradley presented a claim of Lavina Hopkins, widow of William S. Hopkins, deceased, for five hundred dollars, for services rendered the State of Indiana, in a case wherein the State was plaintiff.

Which was,

On motion,

Referred to the committee on claims.

Mr. Hughes presented the petition of C. T. Noble, of Vigo county, asking for the discontinuance of the Criminal Court, in the District composed of the county of Vigo.

Which was,

On motion,

Referred to the committee on the organization of courts.

Mr. Hadley presented a petition from sundry legal voters of Hendricks county, asking the enactment of a law to suppress the sale of intoxicating liquors as a beverage.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Hadley presented the petition of sundry citizens of Hendricks county, asking the enactment of a law to suppress the traffic in intoxicating liquors as a beverage.

Which was,

On motion,

Referred to the committee on temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. Bobo, from the committee on elections, made the following majority report:

MR. PRESIDENT:

The committee on elections, to whom was referred Joint Resolution No. 7, (introduced by Mr. Hughes,) entitled "A Joint Resolution concerning the so-called Fifteenth Amendment to the Constitution of the United States, and its pretended ratification, and proposing a convention of the States, to amend the Constitution of the United States," have had the same under consideration, and a majority of said committee have directed me to report the same back, with a recommendation that it pass.

Mr. Scott, from the committee on elections, submitted the following minority report:

MR. PRESIDENT:

The undersigned, a minority of the committee on elections, to whom was referred Senate Joint Resolution No. 7, concerning the Fifteenth Amendment to the Constitution of the United States and the ratification thereof, and proposing a convention of the States to amend the Constitution of the United States, beg leave to report that they are unable to join with the majority of said committee in recommending the passage of said joint resolution for the following reasons, viz.:

1st. Because said Joint Resolution declares that the pretended ratification of said amendment, on the part of this State, was null and void, and yet pretends to rescind and withdraw the action whereby the ratification was accomplished. The rescission of a nullity is too much like an attempt to annihilate a nonentity, to engage

the consideration of a deliberative body. If the action of the last General Assembly of this State, in attempting to ratify said amendment, was null and void, it requires, and in the nature of things, is susceptible of no rescission. If, on the other hand, it was, as we believe, valid, the act of ratification was a finality, and incapable of rescission or withdrawal.

2d. Said Joint Resolution declares that the acts of certain States in ratifying said amendment were null and void, and ought not to have been counted in determining the question whether said amendment was ratified, and that the State of Indiana protests and solemnly declares that said amendment is not this day, and never has been in law, a part of the Constitution of the United States.

We object to this resolution because the Democratic party, from which it emanates, by counting the votes of our fellow citizens of African descent is estopped from questioning the validity of the law, under which they claim and exercise the elective franchise, and because it is as futile to protest against such an accomplished political fact, as it would be to denounce the abolition of slavery, the acquisition of the Louisiana territory or the admission of Texas or California.

Political equality is right, unless the Declaration of Independence is wrong; and being right, and having been so declared by the only branches of the Government competent to make the declaration, it is too late for any political party to file a special demurrer to the methods or manner in which this grand result was accomplished.

3d. Said Joint Resolution asks Congress to call a convention of the States and the people, according to the provisions of the fifth article of the Constitution of the United States, for the purpose of proposing amendments to said Constitution, for the ratification of the States. We are opposed to this feature of the resolution because no defect in the Constitution, as it now exists, is pointed out; and in a matter of so much importance, it is but reasonable that Indiana, if she solicits the call of a National Convention to amend the Constitution of the United States, should indicate some particular in which that instrument requires amendment.

It is also to be feared that such a convention, if called so recently after the abolition of slavery, and if animated by the spirit of the so-called Democracy, might in the name of Democracy attempt to

restore slavery, or declare against the political equality of the citizens of the Republic.

The undersigned therefore recommend the passage of the following resolution, viz.:

Resolved, That the aforesaid Senate Joint Resolution No. 7, be and the same is hereby indefinitely postponed.

All of which is respectfully submitted.

ASBURY STEELE,
A. S. CASE,
H. D. SCOTT.

Mr. Hughes moved the previous question.

Messrs. Brown and Dittmore demanded the ayes and nays.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittmore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Elliott,	Lasselle,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Rosebrough,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—26.
Denbo,	Hughes,	

Those who voted in the negative were, Messrs.

Andrews,	Hadley,	Miller,
Beeson,	Hamilton,	Robinson,
Case,	Hess,	Scott,
Caven,	Hooper,	Taylor,
Fosdick,	Hubbard,	Wadge,
Gray,	Martindale,	Wood—19.
Green,		

So the demand for the previous question was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question being, on concurring in the minority report.

Messrs. Hooper and Scott demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Steele,
Case,	Hamilton,	Scott,
Caven,	Hess,	Taylor,
Collett,	Hubbard,	Wadge,
Dwiggins,	Martindale,	Wood—22.
Fosdick,		

Those who voted in the negative were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Straud,
Cave,	Hughes,	Williams—25.
Denbo,		

So the minority report was not concurred in.

The question recurring upon the concurrence in the majority report,

Messrs. Brown and Bobo demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Elliott,	Lasselle,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Rosebrough,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—26.
Denbo,	Hughes,	

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Steele,
Case,	Hamilton,	Scott,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Dwiggins,	Hubbard,	Wood—23.
Fosdick,	Martindale,	

So the majority report was concurred in, and the resolution adopted.

Mr. Brown moved to reconsider the vote just taken, then moved to lay that motion on the table.

Which was agreed to.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed Engrossed House Bill No. 72, entitled an act to amend the 10th section of chapter 6 of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to convey property, etc., and repealing all laws coming in conflict therewith," approved March 11, 1861, and the same is herewith transmitted to the Senate.

On motion by Mr. Fuller,

The Senate adjourned.

TUESDAY MORNING.

JANUARY 31, 1871.

The Senate met.

The Journal of yesterday was read, corrected and approved.

Messrs. Dwiggins, Steele and Collett asked and obtained unanimous consent to record their votes in favor of the Minority Report made by Mr. Scott on yesterday from the committee on elections, and in opposition to the Majority Report from same committee.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Caven presented a petition from members of the "Building and Loan Fund Association," praying for the General Assembly to change the law so as to allow the association a fund of \$500,000 instead of \$100,000.

Which was,

On motion,

Referred to the committee on corporations.

Mr. Dwiggins presented the petition of sundry citizens of Newton county, asking the enactment of a law that will more effectually punish persons engaged in stealing timber.

Which was,

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

Mr. Collett presented a petition from the tax payers and voters of the county of Parke, asking that there be no change in the act entitled "An act to authorize aid in the construction of railroads by

counties and townships taking stock in, and making donations to railroad companies," approved May 12th, 1869.

Which was,

On motion,

Referred to the committee on railroads.

REPORTS FROM STANDING COMMITTEES.

Mr. Henderson from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations to whom was referred Senate Bill No. 14 (introduced by Mr. Hubbard), being an act to encourage manufacturing in the State of Indiana, and allowing, and legalizing conveyances of real estate to foreign manufacturing corporation; report that they have had the same under advisement and I am directed by a majority of said committee, to report said bill back to the Senate with a recommendation that the same do pass.

Mr. Henderson, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 73, a bill authorizing the organization of voluntary associations, prescribing their powers, and defining their duties, and repealing all former laws on that subject, and legalizing the acts of associations formed under laws which have been repealed; report that a majority of said committee have had the same under consideration and advisement, and report said bill with a recommendation that the same do pass.

Mr. Carnahan, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 61, a bill to provide for the taxation of Water Work Companies and Associations for furnishing water to cities and towns, report that a majority

of said committee have had the same under advisement and report said bill with a recommendation that the same do pass.

Mr. Carnahan, from the committee on corporations, made the following report :

MR. PRESIDENT:

The committee on corporations to whom was referred Senate Bill No. 82, (introduced by Mr. Johnson,) being an act to legalize certain donations made by boards of county commissioners of this State, report that a majority of said committee have had the same under consideration and advisement, and I am directed by said majority, to report said bill with a recommendation that the same do pass.

Mr. Armstrong, from the committee on corporations, made the following report :

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 125, (introduced by Mr. Hamilton,) being an act to amend the first section of an act entitled "An act for the protection of side walks in towns and villages, and for the preservation of shade trees planted along the same," approved March 3d, 1869, so as to protect side walks outside of towns and villages, approved March 9th, 1867, report that a majority of said committee have had the same under advisement and consideration, and report said bill with a recommendation that the same do pass.

Mr. Armstrong, from the committee on corporations, made the following report :

MR. PRESIDENT:

The committee on corporations to whom was referred Senate Bill No. 79, (introduced by Mr. Armstrong,) being an act to authorize incorporated cities and towns to condemn stone and gravel situate within one mile and a half of their corporate limits for the purpose of constructing and repairing streets and alleys, and other public improvements, under the same rules and regulations that are now provided by law for other corporations to condemn stone and gravel,

report that a majority of said committee have had the same under consideration and advisement, and do now report said bill with a recommendation that the same do pass.

Mr. Caven, from the committee on the phraseology, arrangement of bills and enrolled bills, made the following report:

MR. PRESIDENT:

The committee on the phraseology, arrangement of bills and enrolled bills, to whom was referred enrolled Senate Bill No. 39, report that they have examined said bill, and find the same to be correctly enrolled.

Which report was concurred in.

Mr. Glessner, from the committee on the organization of courts, made the following report:

MR. PRESIDENT:

The committee on the organization of courts, to which was referred Senate Bill No. 58, (introduced by Senator Beardsley,) report that they have had the same under consideration, and have directed me to report the same back with a recommendation that it lie on the table.

Which was concurred in.

Mr. Dougherty, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to which was referred Senate Bill No. 19, "A bill to provide for the relocation of county seats," have had the same under consideration, and have instructed me to report back the same and recommend its passage.

Mr. Bradley, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred a communication from

His Excellency, the Governor, transmitting a copy of certain resolutions adopted by the Common Council of Michigan City, in relation to the harbor at Michigan City, have had the same under consideration, and have instructed me to report the following joint resolution, and respectfully recommend its passage.

Which report was concurred in, and the joint resolution taken up.

Senate Joint Resolution No. 8. A joint resolution in relation to the improvement of the harbor of Michigan City.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Hughes,
Armstrong,	Dwiggins,	Johnson,
Beeson,	Fosdick,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Martindale,
Bradley,	Glessner,	Miller,
Brown,	Gray,	Morgan,
Carnahan,	Green,	Robinson,
Case,	Gregg,	Rosebrough,
Cave,	Hadley,	Sarninghausen,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Straud,
Denbo,	Hooper,	Taylor,
Dittemore,	Hubbard,	Wood—43.

No Senator voting in the negative.

So the Joint Resolution passed.

The question being, shall the title as read stand as the title of the resolution.

It was so ordered.

Ordered, that the Secretary inform the House thereof.

Mr. Brown, from the committee on organization of courts, made the following report:

S. J.—22

MR. PRESIDENT:

I am directed by the majority of the committee on the organization of courts of justice, to whom was referred Senate Bill No. 105, entitled "An act to abolish the Twenty-ninth Judicial Circuit, (Jefferson Criminal Circuit Court,) and to transfer its business to the Circuit Court, to provide for the jurisdiction of the Circuit and Common Pleas Courts of Jefferson County, in cases of felony, misdemeanors and matters connected therewith," to return the same to the Senate and recommend its passage.

On motion by Mr. Brown,

The report of the committee was concurred in, and the Senate Bill No. 105, was read a second time.

Mr. Brown moved the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Dittemore,	Lasselle,
Armstrong,	Dougherty,	Martindale,
Beardsley,	Franciseo,	Miller,
Beeson,	Fuller,	Morgan,
Beggs,	Gray,	Robinson,
Bobo,	Green,	Rosebrough,
Bradley,	Gregg,	Sarninghausen,
Brown,	Hadley,	Steele,
Carnahan,	Henderson,	Straud,
Case,	Hess,	Taylor,
Caven,	Hubbard,	Wadge,
Collett,	Johnson,	Wood—38.
Denbo,	Keigwin,	

Those who voted in the negative were, Messrs.

Dwiggins,	Glessner,	Hooper—3.
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So the rule was suspended.

Senate Bill No. 105. A bill to abolish the Twenty-ninth Judicial Circuit, and to transfer its business to the Circuit Court, to provide for the jurisdiction of the Circuit and Common Pleas Courts of Jefferson County, in cases of felony, misdemeanors and matters connected therewith.

Was read a third time.

The question being, shall the bill pass.

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Johnson,
Armstrong,	Dwiggins,	Keigwin,
Beeson,	Fosdick,	Lasselle,
Beggs,	Francisco,	Martindale,
Bobo,	Fuller,	Miller,
Bradley,	Glessner,	Morgan,
Brown,	Gray,	Robinson,
Carnahan,	Green,	Rosebrough,
Case,	Gregg,	Sarninghausen,
Cave,	Hadley,	Steele,
Caven,	Henderson,	Straud,
Collett,	Hess,	Wadge,
Denbo,	Hubbard,	Wood—40.
Dittemore,		

Mr. Hooper, voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Ordered, that the Secretary inform the House thereof.

Message from the House, by Mr. Holmes, Clerk thereof.

MR PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 88, entitled

“An act authorizing coroners in certain cases to appoint special constables, and defining their duties, and requiring coroners and justices to file papers of inquest in the clerk’s office of said county,” and the same is herewith transmitted to the Senate.

Mr. Hughes, by unanimous consent, presented a petition from the citizens of the county of Monroe, asking that our liquor law be so amended as to require the applicant for license to have his petition signed by a majority of the legal voters of the township, incorporated town, or city, in which he desires to sell, before presenting the same to the board of commissioners.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Hughes asked and obtained leave of absence, indefinitely.

Mr. Morgan asked and obtained leave of absence for the committee on Reformatory Institutions, until to-morrow evening.

Mr. Brown, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred Senate Bill No. 34, entitled an act to amend an act entitled an act to amend the fortieth clause of section thirty of an act entitled “An act granting to citizens of the town of Evansville, in the county of Vanderburg, a city charter, approved January 27th, 1847, and declaratory of the meaning of the second section of the same act,” approved December 21, 1865, and making supplemental sections thereto, for the government of the Water Works at Evansville, and declaring an emergency; have directed me to report that they have had the same under consideration, and that the committee recommend the adoption of the following substitute for the bill, and that when the same shall have been adopted, to recommend the passage of the bill.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fortieth clause of section 30 of the above recited act be and the same is hereby amended to read as follows:

Fortieth. The Common Council of the city of Evansville shall

have power to take stock in any chartered company, organized under the laws of this State for the purpose of making a road of any kind to said city, or for the purpose of building a bridge on any road leading to said city, and to purchase, hold and regulate the use of lands within or without the limits of the city, for cemeteries, public parks, or grounds for the amusements and recreation of the people; and the City Council shall have power to construct or cause to be constructed water works, for the furnishing said city and its inhabitants with water, and to furnish water for public and private use in said city; shall have power to construct and maintain the same at public expense, and shall not be voluntary leased, sold or conveyed by the City Council, or in any way or manner be placed beyond the control of the city; *Provided*, That no stock in any company in which the city is empowered to subscribe by this act shall be taken unless the Common Council be requested by a majority of the qualified votes of said city, who shall vote in favor of taking such stock at an election held for the purpose of voting on that subject exclusively, in pursuance of an order of the Common Council fixing the time and place of holding such election, and the manner of conducting the same, and the notice to be given thereof, and whether a majority of such votes are in favor of taking such stock or not, shall be determined by the legal votes actually cast at such election; *Provided, further*, That in all cases where stock shall be taken as above provided, the Common Council shall have power to borrow money, issue bonds, and levy and collect taxes in addition to the ordinary revenue to pay for such stock. All taxes so levied shall be *ad valorem*, and shall be levied and collected upon all property, real or personal, subject to taxation for State, county or city purposes, within said city; and all such taxes shall be levied and collected with and as a part of the taxes regularly and annually assessed and collected for city purposes, and subject to the same laws and regulations; and the Common Council aforesaid shall have power to establish, maintain and regulate ferries across the Ohio river from the public wharves of said city.

SEC. 2. The water works of said city shall be managed by a Board of Trustees, consisting of five members, to be elected by the Common Council in such manner that one trustee shall be elected thereafter in the month of March of each and every year, to serve for five years and till his successor shall be elected and qualified; *and provided further*, that in the event of a vacancy occurring in

said board in any manner the vacancy shall be filled by said Common Council for the unexpired term of his predecessor.

SEC. 3. The Common Council shall have power to fix the compensation of the members of the Board of Trustees, to require of said trustees before entering upon their duties and oath of office to faithfully perform all duties devolving upon them, to give bonds and security to the satisfaction of said Common Council for the proper care of all the property that comes into their hands, and the careful investment and preservation of all surplus money not needed for the running expenses, improvements, extensions, repairs and interest on bonds of said water works, and their faithful performance of all duties connected with said water works.

SEC. 4. It shall be the duty of said Trustees to appoint all employes, agents, and others necessary for the faithful working of said water works in all its branches, to require an oath of office, with bond and security, from all holding a responsible position under them, take care of the property belonging to said water works, to establish by ordinance or otherwise the water rents, and to provide for the collection of the same, to fix the compensation of all employes under them, and to do such other acts as may be necessary for the maintenance and regulation thereof; said Trustees shall semi-annually, in March and September in each and every year, make a report, verified by affidavit, setting forth in detail the receipts and disbursements for and account of said water works.

SEC. 5. The revenues arising from the use and management of said water works shall be under the control of the Board of Trustees, and all moneys in excess of the running expenses of said works, and necessary extensions of, or additions to the same, including repairs and the payment of interest on the water works bonds of the city, shall constitute a sinking fund for the payment of the principal of said bonds, and shall, the City Council concurring, invest the same in some safe bonds until all are paid, then to be paid into the city treasury.

SEC. 6. An emergency is hereby declared to exist for the immediate taking effect of this act, therefore it shall be in force from and after its passage and publication in the two daily papers published in the city of Evansville, to be designated by the City Council of said city.

Mr. Morgan moved that the report of the committee be concurred in, with the pending substitute as offered by the committee.

Which was agreed to, and the substitute was adopted.

Mr. Morgan moved that the constitutional rule requiring bills to be read on three several days, be suspended, and the bill be read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Dittemore,	Martindale,
Armstrong,	Dougherty,	Miller,
Beeson,	Dwiggins,	Morgan,
Beggs,	Francisco,	Rosebrough,
Bobo,	Fuller,	Sarninghausen,
Bradley,	Glessner,	Scott,
Brown,	Green,	Steele,
Carnahan,	Hadley,	Straud,
Case,	Henderson,	Taylor,
Cave,	Hess,	Wadge,
Caven,	Johnson,	Williams,
Collett,	Keigwin,	Wood—37.
Denbo,	Lasselle,	

Mr. Hooper, voting in the negative.

So the constitutional rule was suspended.

Senate Bill No. 34. A bill to amend an act entitled an act to amend the fortieth clause of section 30, of an act entitled "An act granting the citizens of the town of Evansville, in the county of Vanderburg, a city charter, approved January 27th, 1847, and declaratory of the meaning of the 2d section of the same act," approved December 21st, 1865, and making supplemental sections thereto, for the government of Water Works at Evansville, and declaring an emergency.

The question being, shall the bill pass.

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Keigwin,
Armstrong,	Dwiggins,	Lasselle,
Beeson,	Fosdick,	Martindale,
Beggs,	Francisco,	Miller,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gray,	Sarninghausen,
Carnahan,	Green,	Scott,
Case,	Gregg,	Steele,
Cave,	Hadley,	Straud,
Caven,	Henderson,	Taylor,
Collett,	Hess,	Wadge,
Denbo,	Hubbard,	Williams,
Dittemore,	Johnson,	Wood—42.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Ordered, that the Secretary inform the House thereof.

Message from the Governor, by John M. Commons, his private Secretary.

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, January 27, 1871.

MR. PRESIDENT:

I am directed by the Governor to respectfully inform the Senate that he has approved and signed Enrolled Act No. 35, entitled "An act regulating the term of the Circuit Courts in the Fifteenth Judicial Circuit, and making all process whatever returnable thereto, repealing all laws in conflict therewith, and declaring an emergency," and that he has caused the said act to be deposited in the office of the Secretary of State, and also that he has caused the following joint resolution to be deposited in the office of the Secretary of

State, and copies of No. 3 thereof to be transmitted to our Senators and Representatives in Congress, viz.:

No. 1. "A Joint Resolution proposing an amendment to the Constitution by adding to the 10th article a section in relation to the debt charged upon the Wabash and Erie Canal."

No. 2. "A Joint Resolution ceding to the United States, jurisdiction over certain lands in Jeffersonville, Indiana, to be used for Military purposes."

No. 3. "A Joint Resolution instructing the Senators in Congress representing the State of Indiana, on the subject of annexing Dominica to the United States."

No. 4. "A Joint Resolution in regard to granting to soldiers and seamen, (their widows or orphans,) homesteads upon the public domain, who have served ninety days in the army or navy in the war of the great rebellion."

Mr. Rosebrough, asked and obtained leave of absence for the remainder of the week.

Mr. Brown, from the committee on corporations, made the following report, with amendments:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 66, (introduced by Mr. Dittmore,) being an act authorizing metropolitan police districts in incorporated cities having a population of not less than twenty thousand inhabitants, according to the United States census for the year 1870, and providing for the government thereof, report that the same has been duly considered by the committee, and a majority of the committee recommend that the same be amended by striking out the words "twenty thousand," wherever they occur in said bill, and inserting in lieu thereof the words "thirty thousand," and that when the same is so amended, the said majority recommend that the same do pass.

Mr. Dittmore moved the report be concurred in, and the amendments adopted.

Messrs. Scott and Fosdick demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—22.
Denbo,		

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Case,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—21.

So the report was concurred in, and amendments were adopted.

Mr. Martindale moved that the bill and pending amendments be indefinitely postponed.

Mr. Dittemore moved a call of the Senate.

Messrs. Martindale and Andrews demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—22.
Denbo,		

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Case,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—21.

So the motion by Mr. Dittemore prevailed.

The Secretary proceeded with the call.

Those answering to their names were, Messrs.

Andrews,	Dwiggins,	Keigwin,
Armstrong,	Fosdick,	Lasselle,
Beardsley,	Francisco,	Martindale,
Beeson,	Fuller,	Miller,
Bobo,	Glessner,	Morgan,
Bradley,	Gray,	Robinson,
Brown,	Green,	Sarninghausen,
Carnahan,	Gregg,	Scott,
Case,	Hadley,	Steele,
Cave,	Henderson,	Straud,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Denbo,	Hubbard,	Williams,
Dittemore,	Johuson,	Wood—43.
Dougherty,		

Mr. Henderson moved that further proceeding under the call be dispensed with.

Which was agreed to.

The question recurring on the motion of Mr. Martindale to indefinitely postpone the bill, with pending amendments.

Messrs. Brown and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Morgan,
Beeson,	Hadley,	Scott,
Case,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wadge,
Dwiggins,	Martindale,	Wood—22.
Fosdick,		

Those who voted in the negative were, Messrs.

Alsop,	Denbo,	Henderson,
Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Sarninghausen,
Brown,	Glessner,	Straud,
Carnahan,	Gregg,	Williams—22.
Cave,		

The Lieutenant Governor voting in the affirmative.

So the motion to indefinitely postpone the bill was agreed to.

Mr. Gray moved to reconsider the vote just taken, and moved to lay that motion on the table.

Which was agreed to.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 67, entitled an act to amend section 5 of an act entitled "An act concerning mortgages," approved May 4, 1852, and the same is herewith transmitted to the Senate.

Mr. Henderson offered the following:

Resolved, That the special committee appointed to investigate the

charges against the Hon. John W. Burson, be authorized to draw upon the order of the chairman, from the State Librarian, twenty dollars worth of stationery for the use of said committee.

Mr. Scott offered the following amendment:

That the chairman of each standing committee be allowed to draw from the Librarian not exceeding twenty dollars' worth of stationery for the use of their respective committee.

Mr. Williams moved to strike out from Mr. Scott's amendment "twenty" and insert "five."

Which was agreed to.

The question being on the amendment as amended.

It was agreed to.

The question then recurring on the resolution as amended.

It was agreed to.

Mr. Bobo offered the following:

Resolved, That the committee on elections be allowed to employ a clerk for such time as they need one.

Which was adopted.

Mr. Dittmore asked and obtained leave of absence for the committee on military affairs for to-morrow.

Mr. Dwiggins presented a claim in favor of Sarah Ketchum and Mary Jane Ketchum, for the amount of \$83.80.

Which was,

On motion,

Referred to the committee on claims.

Mr. Lasselle, from the committee on the organization of courts, made the following report:

MR. PRESIDENT:

The committee on the organization of courts, to whom was refer-

red House Bill No. 58, "A bill to establish Superior Courts, defining their jurisdiction, and providing for the election and compensation of the judges thereof," have had the same under consideration, and the majority of said committee have instructed me to report the same back, and recommend its passage.

Which was concurred in.

Mr. Martindale moved that the order of business be suspended that Engrossed House Bill No. 58 may be read a second time now.

Which was agreed to.

Engrossed House Bill No. 58. A Bill to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of the judges thereof.

Was read a second time.

Mr. Brown moved to amend by striking out of the 29th section "\$1,000 to be paid out of the State Treasurer."

Mr. Green moved the Senate adjourn.

Which was agreed to.

TUESDAY, 2 O'CLOCK.

The Senate met.

The question pending on adjournment was the adoption of the amendment offered by Mr. Brown, to House Bill No. 58.

Mr. Bradley moved a call of the Senate.

The Secretary proceeded with the call.

Those answering to their names were, Messrs.

Andrews,
Bobo,
Bradley,

Carnahan,
Case,
Cave,

Denbo,
Dwiggins,
Elliott,

Fosdick,	Henderson,	Miller,
Fuller,	Hess,	Robinson,
Glessner,	Hooper,	Sarninghausen,
Gray,	Johnson,	Scott,
Green,	Keigwin,	Taylor—26.
Gregg,	Martindale,	

Mr. Martindale moved that the absentees be sent for.

Which was not agreed to.

Mr. Bobo moved the Senate do now adjourn.

The ayes and nays being demanded by one-tenth of the Senators.

Those who voted in the affirmative were, Messrs.

Bobo,	Hooper,	Sarninghausen,
Bradley,	Johnson,	Scott—8.
Gray,	Keigwin,	

Those who voted in the negative were, Messrs.

Andrews,	Denbo,	Gregg,
Beggs,	Dwiggins,	Hess,
Carnahan,	Elliott,	Hubbard,
Case,	Fosdick,	Martindale,
Cave,	Fuller,	Miller,
Caven,	Glessner,	Taylor,
Collett,	Green,	Williams—21.

So the motion to adjourn was not agreed to.

Mr. Martindale moved that further proceedings under the call be dispensed with.

Mr. Bobo moved to lay that motion upon the table.

Messrs. Martindale and Green demanded the ayes and nays.

Those who voted in the affirmative were, Messrs.

Beggs,	Bradley,	Case,
Bobo,	Carnahan,	Denbo,

Elliott,	Hooper,	Keigwin,
Glessner,	Johnson,	Sarninghausen—12.
Gray,		

Those who voted in the negative were, Messrs.

Andrews,	Fuller,	Scott,
Cave,	Green,	Steele,
Caven,	Gregg,	Taylor,
Collett,	Hess,	Wadge,
Dwiggins,	Martindale,	Williams—17.
Fosdick,	Robinson,	

So the motion to lay on the table did not prevail.

Mr. Bradley moved that the Senate do now adjourn.

The ayes and nays being demanded by one-tenth of the Senators

Those who voted in the affirmative were, Messrs.

Beggs,	Case,	Gregg,
Bobo,	Cave,	Johnson,
Bradley,	Elliott,	Sarninghausen—10.
Brown,		

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Carnahan,	Green,	Robinson,
Caven,	Henderson,	Scott,
Collett,	Hess,	Steele,
Denbo,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Williams—23.
Glessner,		

So the motion to adjourn was not agreed to.

The question recurring on the motion by Mr. Martindale.

It was not agreed to.

Mr. Williams moved that the absentees be sent for.

It was agreed to.

A quorum being present.

Mr. Glessner moved that further proceedings under the call be dispensed with.

Which was agreed to.

Message from the House, by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate, that the House has passed Engrossed House Bill No. 79, entitled "An act to extend the time for the completion of certain railroads, and to legalize the acts of their boards of directors," and the same is herewith transmitted to the Senate.

Also, I am directed by the Speaker of the House to inform the Senate, that he has signed Enrolled Senate Act No. 39, and the same is herewith returned to the Senate.

Mr. Glessner offered the following amendment as a substitute for Mr. Brown's amendment:

"Amend the amendment so as to give the judges twenty-five hundred dollars for their salaries; five hundred of which, to be paid out of the State Treasury, and the residue thereof, out of the county treasury of the county in which the court is established.

Mr. Gray moved to lay the substitute upon the table.

Messrs. Gray and Glessner demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Bradley,	Fosdick,	Martindale,
Case,	Gray,	Scott,
Caven,	Green,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—18.

Those who voted in the negative were, Messrs.

Andrews,	Beggs,	Bobo,
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Brown,	Fuller,	Miller,
Carnahan,	Glessner,	Robinson,
Cave,	Gregg,	Rosebrough,
Denbo,	Henderson,	Sarninghausen,
Dittemore,	Johnson,	Williams—20.
Francisco,	Keigwin,	

So the motion to lay on the table did not prevail.

The question recurring on the adoption of the substitute by Mr. Glessner.

Messrs. Martindale and Hooper demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Robinson,
Case,	Green,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—20.
Glessner,	Miller,	

Those who voted in the negative were, Messrs.

Beggs,	Dittemore,	Johnson,
Bobo,	Elliott,	Keigwin,
Bradley,	Francisco,	Rosebrough,
Brown,	Fuller,	Sarninghausen,
Cave,	Henderson,	Williams—16.
Denbo,		

So the substitute was adopted.

The amendments were ordered to be engrossed and the bill passed to a third reading on to-morrow.

INTRODUCTION OF BILLS.

Mr. Bradley introduced

Senate Bill No. 142. A bill to amend the two hundred and

eleventh section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish district forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, and to repeal section two hundred and sixteen of the same act.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Scott introduced

Senate Bill No. 14. A bill to amend section three hundred and eleven, of chapter one of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State, to abolish district forms of action at law, and provide for the administration of justice in a uniform mode of proceeding and practice without distinction between law and equity.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Denbo introduced

Senate Bill No. 144. A bill to abolish the Common Pleas Courts, and the Criminal Circuit Courts and conferring the jurisdiction and business thereof upon the Circuit Courts, defining the duties of the Circuit Courts and Clerks in regard thereto, dividing the State into judicial circuits, providing for the election and compensation of judges thereof, and prosecuting attorneys, repealing all laws in conflict herewith, and prescribing when this act shall take effect.

Mr. Denbo moved that the bill lie on the table, and that two hundred copies be printed for the use of the Senate.

Which was not agreed to.

Mr. Dittmore moved that the constitutional rule requiring bills to be read on three several days, be suspended, that the bill may be read a second time and referred to an appropriate committee.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Dittemore,	Hubbard,
Bradley,	Dwiggins,	Keigwin,
Brown,	Elliott,	Martindale,
Carnahan,	Francisco,	Robinson,
Case,	Fuller,	Taylor,
Cave,	Gray,	Williams,
Caven,	Green,	Wood—22.
Denbo,		

Those who voted in the negative were, Messrs.

Beggs,	Gregg,	Hooper,
Bobo,	Hamilton,	Johnson,
Collett,	Henderson,	Miller,
Fosdick,	Hess,	Scott—12.

So the constitutional rule was not suspended.

Mr. Brown moved that the committee investigating the charges against Mr. Burson be authorized to send attachments for witnesses who have failed to appear.

Which was agreed to.

Mr. Dwiggins introduced

Senate Bill No. 145. A bill fixing the times of holding courts in the Twentieth Judicial Circuit, repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Williams presented a memorial of Matthew L. Brett, in relation to money lost while acting as Treasurer of State.

Which was,

On motion,

Referred to the committee on claims.

Mr. Case introduced

Senate Bill No. 146. A bill to amend section one of an act enti-

bled "An act to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats where the same have been lost or destroyed, and prescribing the duties of the board of trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency," approved April 27, 1869.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Martindale, by request, introduced

Senate Bill No. 147. A bill to provide for the publication of the proceedings and allowances of boards of county commissioners, and for the publication of the receipts and expenditures of township trustees, and for other purposes.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Brown moved that the Senate take up House Joint Resolution No. 10, that it may be referred to the committee on the judiciary.

It was agreed to, and the resolution so referred.

On motion by Mr. Hess,
The Senate adjourned.

WEDNESDAY MORNING,

FEBRUARY 1, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. Treadwell Walden, of St. Paul's Cathedral.

Pending the reading of the Journal.

Mr. Beeson moved the further reading thereof be dispensed with.
Which was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Dwiggins presented a petition from sundry citizens of Jasper and Benton counties, in relation to the location of roads.

Which was,

On motion,

Referred to the committee on roads.

Mr. Dwiggins also presented a petition from sundry citizens of the State, asking the enactment of a law regulating the sale of intoxicating liquors.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Gregg presented a memorial in regard to insurance.

Which was,

On motion,

Referred to the committee on insurance without reading.

REPORTS FROM STANDING COMMITTEES.

Mr. Williams, from the committee on finance, made the following report :

MR. PRESIDENT:

Your committee on finance, to whom was referred Senate Bill No. 116, a bill to authorize the Auditor and Secretary of State to organize the two Houses of the General Assembly of the State of Indiana, have had the same under consideration, and have made the following amendment:

Amend second section as follows, to wit: After the word "to" in the second line insert "act" as clerk in the organization of the House, and when so amended recommend its passage.

Mr. Hooper, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 120, a bill for the relief of the treasurer of Vermillion County, Indiana, and his sureties, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage, Senator Glessner of said committee, dissenting.

Mr. Glessner, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 51, have had the same under consideration, and have directed me to report the same back, with a recommendation that it be referred to the committee on insurance, in which reference they respectfully ask the concurrence of the Senate, which report was concurred in, and Senate Bill No. 51 was referred to the committee on insurance.

Mr. Hooper, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate Resolution No. 2, in reference to stamps and stationery for the standing committees of the Senate, have had the same under consideration,

and have directed me to report the same back to the Senate, and recommend that it lie on the table, because said committees have been provided with stationery by resolutions of the Senate.

Which report was concurred in.

Mr. Williams, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee to whom was referred concurrent resolution of the House, so much of the Governor's message as relates to the subject of the equalization of the appraisment of real estate, and the legalization of the existence, and proceedings of the District and State Board of Equalization, have had the same under consideration, and have directed me to recommend that the Senate concur in the said resolution.

Which report was concurred in.

The question being upon concurring in the House resolution, as reported by the committee.

It was agreed to.

Ordered, that the Secretary inform the House thereof.

Mr. Williams, from the committee on finance, made the following report:

MR. PRESIDENT:

Your committee on finance, to whom was referred concurrent resolution on the subject of a monument over the grave of the late Ashbel P. Willard, once the Governor of this State, and appropriating one thousand dollars, have had the same under consideration, and have agreed to recommend that the Senate concur in the House resolution, and that the sum of one thousand dollars be allowed in the specific appropriation bill.

The question being upon concurring in the report of the committee.

Mr. Martindale moved that the concurrent resolution be recom-

mitted to the committee on finance, with instructions to consider the propriety of including Governor Jennings and Governor Harrison, or other of the deceased Governors of the State, to whom no appropriate monuments have been erected.

Which was agreed to.

Mr. Henderson, from the committee on fees and salaries, submitted the following report :

MR. PRESIDENT :

A majority of the committee on fees and salaries, to whom was referred Senate Bill No. 4, entitled an act prescribing certain of the duties of the clerks, auditors, sheriffs, treasurers, and county commissioners of the several counties of the State, fixing their compensation, prescribing penalties for their failure to discharge their duties, regulating the appointment of bailiffs and their allowances, and repealing all laws in conflict with the provisions thereof, have had the same under consideration, and direct me to report back the bill amended as follows, to wit :

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the officers named in this act shall tax and charge upon proper books to be by them kept in their offices, the fees and amounts prescribed in the act for the duties and acts by them performed in discharge of their duties as such officers, and no other or different fees or amounts unless otherwise provided for by law. That is to say, each Clerk of any Circuit Court for services in that or other courts shall tax and enter in such books in each civil cause; for each writ, summons, or other process under seal, except execution, fee bill and subpoena, fifty cents.

CLERK'S FEES IN CIRCUIT COURT.

For each subpoena, to include all witnesses of one county called for at one time.....	\$0 50
Except subpoenas for grand jury, and for each grand jury, subpoena ordered by the foreman.....	10
For each one hundred words of copy, of any record or paper, when required—four figures to be counted as one word.....	10
For filing each paper other than process, except in estates.....	05

For all entries on order book, or other record, when no specific fee is allowed, for each one hundred words—four figures counting as one word.....	15
For entering the dismissal of a cause.....	15
For entering and attesting the satisfaction of a judgment or decree.....	15
For receiving, entering, and reading the return of a verdict of a jury, or special finding of the court, of one hundred words or less	10
And for each one hundred therein, over one hundred.....	10
For entering a final judgment or decree, of one hundred words or less.....	10
And for each additional one hundred words.....	10
For docketing each cause in the several dockets of the court, including the judgment docket and fee books, if cause in court but one term.....	40
For docketing each cause in the several dockets of the court, for each term after the first.....	20
For impanneling and swearing a jury.....	15
For swearing each witness.....	05
For making complete record, for each one hundred words—four figures to be counted as one word.....	10
For entering the continuance of a cause.....	10
For making out notice for non-resident and affidavit.....	50
For issuing marriage license, registering the same, and certificate of marriage, including affidavit.....	2 00
For recording certificate of estray.....	50
For taking, approving and attesting stay of execution.....	25
For issuing fee bill, execution or decree, sealing, certifying, docketing and entering return of same.....	1 00
For filing, recording and docketing a transcript of judgment to become a lien on real estate, and entering satisfaction thereof	1 00
For each certificate for borrower of school funds.....	25
For each affidavit prepared and written by and sworn before clerk.....	25
For giving and affixing jurat to affidavits.....	10
For each certificate and seal, except to process and affidavits, and except as to soldiers' and seamen's, their widows and heirs, application for pension or bounty.....	50
For each writ of habeas corpus.....	50

For taking a recognizance in a criminal cause..	40
For entering a defendant's confession of a plea of guilty in a criminal cause.....	20
For entering a discharge of recognizance in a criminal cause...	25
For a docket fee in each civil cause, to be taxed to the losing party and paid to the county treasurer.....	2 00
For a jury fee in each cause tried by jury, to be taxed as other costs against the losing party, and paid to the county treasurer	5 00

CLERK'S FEES IN ESTATES.

In the settlement of decedent's estates and matters relating to guardianship, the following and no other fees shall be allowed or charged:

For each letter of guardianship or administration, and recording same, including all affidavits and bonds.....	\$1 00
For entering proof of a will and certificate thereof, including codicil	1 00
For making copies in regard to an estate or guardianship, for each one hundred words, four figures counting as one word..	10
For issuing notice of sale of decedents' lands, or other notice required in the settlement of an estate or guardianship.....	50
For making entries of orders, motions and records, not herein provided, for each one hundred words.....	15
For each affidavit prepared by, and sworn before clerk, in estates or guardianships.....	25
For each affidavit sworn before clerk, with his jurat, in estates and guardianships.....	10
For entering each estate and guardianship in the several dockets of court.....	25
No estate or guardianship shall be docketed more than once, except upon the special order of record of the proper judge.	
For entering the continuance of an estate or guardianship, to be charged only when specially ordered by the court.....	15
For filing each paper in an estate or guardianship.....	03
The clerk shall record, in the proper books provided therefor, under the order of the court, the inventories, and sale bills, and reports of administrators, executors, and guardians, so far as the same show receipts and disbursements of money,	

and disposition of property; and for each hundred words written in making such records, counting four figures as a word, such clerk shall charge.....	10
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SHERIFF'S FEES.

Each sheriff of the several counties of this State shall tax, upon the proper process in their hands, and return the same to the proper clerk, who shall enter them in the proper causes upon the fee books, by them kept as required in this act, the following fees and charge for services rendered by them:

For serving a writ and taking into custody each prisoner.....	\$0 50
For each mile traveled in going and returning to serve process.....	05
For taking bail in a civil proceeding.....	25
For taking a recognizance and drawing it up in criminal cause	50
For returning each writ or other process.....	10
For summoning a jury of twelve men, and mileage as above..	3 00
For executing a writ of possession, and mileage as above.....	1 00
For calling a jury in each cause.....	10
For serving subpoena on each witness.....	30
For serving a summons, each party served.....	50
For every person committed to jail, to be taxed in the cause or matter in which the imprisonment is had.....	50
For discharging every prisoner from jail.....	40
For attending a prisoner before a judge, or in court.....	50
For taking a valuation of land.....	75
For taking a replevin bond.....	75
For levying on property, and advertising same.....	1 00
For making a deed in sale of real estate on execution, or fee bill, including certificate of sale.....	2 00
For returning a writ of attachment, when property taken.....	25
For sale on execution, or decrees, on the first three hundred dollars, five per cent., and one per cent. on all over that sum.	
For collecting money without sale, one-half the above commission; when paid to any other person than the sheriff, after demanded by him, one-fourth commission only shall be had.	
Such sheriff shall, in addition to the salary and commission elsewhere in this act, be allowed for taking each convict to the State prison, per mile, going and returning.....	15

And for each additional convict taken at the same time.....	10
Which shall be paid out of the State treasury, on the certificate of the warden of the prison.	
And for boarding each prisoner lawfully in his charge, per day, (to be allowed by the county commissioners).....	50
For taking prisoners to another county same fees as in taking convicts to prison.	

AUDITOR'S FEES.

SEC. 2. The auditor of each county shall tax, collect and pay into county treasury the following fees and charges, to wit:

For copies of records, deeds, or other writings, per one hundred words.....	\$0 10
For filing each paper for any individual in any private matter connected with his office, not to include tax lists.....	05
For each certificate of tax sale, to be paid by the purchaser...	50
For each assignment of certificate of sale of school lands.....	25
For each tax deed to be paid by the grantee therein.....	1 00
For each special constable's bond and oath, and registration thereof.....	1 00
For each certificate and seal, to be paid for by the party requiring it, other than those to writs and process.....	50
For writing affidavit and swearing affiant thereto.....	25
For each merchant's or other license, to be paid by the licensee	50
For taking and approving of official bond.....	30
For each writ or other process under seal.....	50
For each subpoena including all witnesses of a county called for at one time.....	50

All which fees shall be paid by the party for whom the services are rendered, unless they shall be otherwise awarded against some other party by order of the board of commissioners, and if not paid promptly, the auditor shall issue fee bills therefor, which shall be collected by the sheriff without stay and without relief from valuation or appraisement laws. And the said auditor shall, on the first Monday in each month, pay to the treasurer all the foregoing fees by him collected, and on the third day of each regular term of the commissioners, render a true and complete report of the fees by him taxed, whom liable therefor, the amount collected thereon, to which he shall be sworn, and the same shall be filed and entered of record.

FEE BOOKS.

SEC. 3. The clerk shall tax and keep an accurate account, in proper fee books, of all fees and charges, as required by this act, or other laws of the State, for any and all services performed by himself or his deputies, or performed by the sheriff or his deputies, and returned to him. And it shall be the further duty of the clerk to make an index to the several records, order books and dockets of his office plainly referring to the entries therein, for which he may charge in each cause, and all the entries, orders and proceedings pertaining thereto, upon all the records, order books and dockets, a single fee not exceeding twenty-five cents.

CLERK AND SHERIFF TO PAY OVER.

SEC. 4. The clerk and sheriff of each county shall, on the first Monday in each month, pay over to the county treasurer all moneys received by them for fees or charges for official services during the preceding month, taking the treasurer's receipt therefor, which receipt shall designate the character of the payments, the time for which it was paid, and such receipt they shall file with the auditor of the county, who shall register the same, and execute therefor a quietus to them. And the sums so paid by such clerk and sheriff to the treasurer, shall be by him and the auditor kept as a distinct fund, to be known as County Officer's Fund, *provided* there shall be a surplus of the same at the end of any year, after paying the salaries herein provided for, the board of commissioners may transfer the same to and merge the same in the county revenue fund.

And the said clerk and sheriff shall also, on the first Monday of each month, pay to the treasurer all fines, forfeitures, docket fees, jury fees, unclaimed witness fees, and all other moneys belonging to the school fund, take his receipt therefor, file the same with the auditor and take his quietus for the same, and upon failure of said clerk or sheriff so to do, the party so offending shall be fined in any sum not less than five dollars.

FEES TO BE LIEN ON LAND.

SEC. 5. The said fees and charges, from the time they are so entered and charged by said officers, as hereinbefore provided, shall have the force and effect of judgments at law in said courts, and

shall be a lien upon the lands of the party against whom they are charged, and shall be collected upon the proper process by levy and sale, without relief from valuation or appraisement laws.

FINE FOR CONSTRUCTING.

SEC. 6. If any of the officers named in this act shall tax any fees or make any charges for services not by him actually performed, or shall charge for such services any higher rate than is allowed by this act, or shall willfully fail or refuse to enter, tax or charge, at the proper time, the proper fees for such services, any such officer shall be fined in any sum not less than five dollars, to which may be added imprisonment in the county jail for any period not exceeding one year.

TREASURER TO REPORT MONTHLY.

SEC. 7. That the treasurer of each county shall, on the first day of each month, make out, under oath, a report, showing the true amount of money in his hands on the last day of the preceding month, and shall therein designate the amount thereof belonging to each distinct fund; and if any fund shall have been overdrawn, the amount of overdrawal of each fund; which report shall be attested by the proper auditor and entered of record by him and kept for public inspection, and a copy of such report shall be posted securely on the door of the auditor's office, on the day the same is made, and kept posted for ten days; and the auditor shall furnish a copy thereof to the weekly newspaper published in said county, having the largest *bona fide* circulation therein, for publication, if the proprietor thereof will publish the same in the next issue thereof, for the sum of two dollars. And if said treasurer or auditor, or either of them, shall fail to perform the duties required by this section, he shall be fined in any sum not less than one hundred dollars.

CLERKS' AND SHERIFFS' SALARIES.

SEC. 8. The clerk of the Circuit Court and sheriff in each county in this State shall receive the sum of fifteen hundred dollars annually for their services in discharging the duties of clerk of the Circuit Court and Common Pleas Courts and sheriff of the county, and all other duties pertaining to their office, and no more, except as hereinafter provided in this act.

CLERKS' AND SHERIFFS' DEPUTIES.

SEC. 9. There shall be allowed to each clerk of the Circuit Court of each county, and sheriff, for the pay of deputies, when the population of the county exceeds 10,000, the sum of \$100, for each 1,000 of inhabitants over 10,000 in each county; and each of said clerks and sheriffs shall, in addition to the above, be allowed a commission of twenty per cent. of all his own costs by him taxed, and which may be collected and paid to the treasurer.

FEE-BILLS AND EXECUTIONS.

SEC. 10. It shall be the duty of each clerk, immediately after the expiration of six months from the time any costs taxed or charged in his office for clerk's or sheriff's services shall be awarded, where stay thereof shall have been entered, to issue fee-bills therefor, and place the same in the hands of the sheriff of the county for collection, and when no stay shall have been entered, then, within six months after the awarding thereof, to so issue such fee-bills: *Provided, however,* where execution is issued against any party all the costs awarded against the party against whom such execution issues, including any costs made by such party and taxable to him, shall be included in and be collected under such execution, and no fee-bill shall be issued therefor.

CLERKS' AND SHERIFFS' REPORT.

SEC. 11. The sheriff and clerk of each county shall make their sworn reports to the board of commissioners of their county, on the third day of each regular session of said board, showing the amount of all fees and charges by them made, or by their deputies, during the previous three months, giving the names of parties liable therefor, the amount charged, amount collected, the balance due from each party, and the amount paid to the treasurer. If, upon examination of the board, said report is found to be correct, the same shall be approved and entered of record; but if found not to be correct, it shall be filed with the auditor, and their disapproval thereof entered of record.

AUDITORS' FEES.

SEC. 12. The auditor of each county shall be allowed the sum of

\$1,500 for his services, and no more, except as provided in this act. When the population of the county exceeds ten thousand, the additional sum of \$100 for each one thousand of inhabitants of such county over ten thousand shall be allowed such auditor to pay for deputies. And, in addition thereto, he shall be allowed the fees and commissions allowed to him for services arising out of the management of the school fund and the fees for transfers of land, and for transferring each tract of land or town lot, he shall be entitled to receive of the party for whom the transfer is made ten cents.

TREASURERS' FEES.

SEC. 13. The treasurer of each county shall be allowed the sum of \$1,500 annually, for his services as such officer, and no more, except as hereinafter provided. When the population of the county exceeds ten thousand, he shall have an additional allowance of \$75, for each one thousand of population of his county over ten thousand to pay for deputies, and shall have in addition the fees and commissions now allowed by law, for the collection of delinquent taxes.

ALLOWANCE TO OFFICERS.

SEC. 14. The board of commissioners of each county is hereby required, at each of their regular meetings, to allow the clerk, sheriff, auditor and treasurer of their county respectively, an allowance of one-fourth of the salary, and one-fourth of the deputy hire of each of said officers, as in this act provided, payable out of the county officers' fund herein provided for, if the same shall be sufficient therefor: *Provided, however,* That if any of said officers shall have failed to comply with the provisions of this law, such allowance shall be withheld from such officer until he shall have fully complied therewith; *And, provided further,* That such allowances so made to the sheriff and clerk shall in no case exceed the amount paid into the county treasury by such clerk and sheriff of the proper county, and if on account of this proviso a less amount than the full allowance due under the provisions of this act shall at any time be made to the sheriff or clerk of any county, nothing in this act shall be construed to prevent the county board from afterwards allowing the balance thereof, when the payments by them of fees to the treasurer shall furnish the means therefor. And if any of said officers shall fail to comply with the provisions of this act, it

shall be the duty of the board of commissioners to cause the proper proceedings to be instituted and prosecuted against such delinquent officer, to compel his performance of the duties herein required.

TREASURER TO REPORT.

SEC. 15. It shall be the further duty of each county treasurer to render a sworn report to the board of commissioners of such county, on the third day of each regular session of such board, in which he shall fully and truly set forth all loans or deposits other than loans of school funds, on the warrant of the auditor, by him made to any person or persons, or corporations, of any of the moneys or funds received at or pertaining to his office, with the rate of interest at which such loans or deposits were made, together with the amount by him received of interest on such loans or deposits; and all such loan or deposit, and all such sum of interest, shall be charged to such treasurer as part of the several funds so loaned or deposited, and be by the auditor of such county distributed with, and as part of such funds, and shall be paid out to the proper persons and officers by the treasurer, upon the warrant of the auditor; and if any treasurer neglect, fail or refuse to make such report, or pay over, on the warrant of the auditor, any such interest, he shall be fined for each offense in any sum not less than two hundred dollars; and if any auditor shall fail, neglect or refuse to issue his warrant for such interest on demand of the proper person or officer, he shall, for each offense, be fined in any sum not less than two hundred dollars; and if any of the public moneys so loaned or deposited by any such treasurer, shall be lost by reason of the failure of the person or corporation to whom the same may be loaned, to pay the same, or otherwise, such treasurer and his sureties shall be liable therefor.

POPULATION.

SEC. 16. That for the purpose of ascertaining the amount of population in any county, for the regulation of the amount to be paid for deputies for any of the offices named in this act, the population shall be taken as fixed by the last census report taken by the United States.

BAILIFFS.

SEC. 17. No sheriff shall have authority to appoint any bailiff

for any court or jury, and no allowance shall be made by any court, or otherwise, to any person for services as bailiff to any court or jury, unless such person has been duly appointed to render such service by the judge of the court in which he acts, and such appointment entered of record in the minutes, or in the order book of such court, before such services are rendered; and no person shall be competent to act as bailiff, who shall have acted as deputy sheriff within ten days prior to the time of such appointment: *Provided*, that nothing herein shall interfere with the rights of the sheriff to call upon the power of the county to quell riots, disturbances, and breaches of the peace, and arrest of criminals, when necessary.

NO EXTRA SERVICES.

SEC. 18. The said commissioners shall make no allowance or payment to such county officers for extra services, nor shall they be entitled to receive or retain any extra allowance, per centage, perquisite, salary, or per diem, other than the specified fees and per centage set out in, and allowed to them respectively, in the foregoing fee bill; nor shall said fees in any case be paid by the county, except when specifically authorized in said fee bill; nor shall any county officer be employed to perform any service or special duty for the county, not by law prescribed as a part of his duty, unless the same is performed without fee or reward.

TO PAY TO SUCCESSORS.

SEC. 19. It shall be the duty of each clerk and sheriff of the several counties in this State, at the expiration of his term of office, to pay over to his successor in office, all moneys of every description, to whomsoever due, remaining in his hands at the expiration of such term, taking the receipt of such successor therefor; and such successor and his sureties shall be bound therefor upon his bond, as if the same had been originally collected by him; and any clerk or sheriff failing to pay over such moneys to his successor, or any such successor or clerk or sheriff, who shall fail to pay over any moneys to parties entitled to receive the same, when called on so to do, shall, on conviction thereof, be liable to the penalties prescribed in section thirty-one of this act.

STATIONERY.

SEC. 20. The board of commissioners of each county shall

furnish the necessary record, books, fuel and stationery for the offices of the auditor, treasurer, recorder, and the clerks of the Circuit and Common Pleas Courts of their respective counties, at the expense of such county, and shall also provide safe and suitable offices for such officers; but such officers shall in no case make purchase of records, books and stationery, blanks or fuel to be charged to the county, except upon the order of the board of county commissioners, and such board shall, in all cases when it is possible to do so, invite competition in furnishing such articles for the county, and let the same to the lowest and best bidder.

COMMISSIONER'S FEES.

SEC. 21. County commissioner's fees shall be as follows, viz.: For each day's attendance as a member of the county board or the board of equalization each commissioner shall receive five dollars.

REPEALED.

SEC. 22. All laws and parts of laws in conflict with any of the provisions of this act are hereby repealed, *provided*, that all fees now due to any officer may be collected under the laws now in force.

SEC. 23. There being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage, and publication in the Indianapolis State Journal and Indiana State Sentinel.

And when so amended recommend its passage, and that Senate Bill No. 3, on the same subject lie on the table.

Signed

E. HENDERSON,
O. J. GLESSNER,
GEORGE W. DENBO,
JOHN STRAUD.

Mr. Martindale, from the committee on fees and salaries, submitted the following report :

MR. PRESIDENT:

The minority of the standing committee on fees and salaries, to

whom was referred Senate Bill No. 3, an act regulating the fees of certain officers therein named, and prescribing penalties for the violation of its provisions, would respectfully report that they have had the same under consideration, and would recommend that when said bill is amended to conform to the copy herewith returned, that the same do pass, and we further recommend that Senate Bill No. 4, on the same subject do lay upon the table.

E. B. MARTINDALE,
J. P. GRAY,
LUCIUS HUBBARD.

Mr. Martindale moved that two hundred copies each of Senate Bill No. 3 and 4, be printed, and that they lie upon the table and be made the special order for Tuesday next at half past ten o'clock A. M.

Which was agreed to.

Mr. Beggs, from the committee on Federal relation, made the following report:

MR. PRESIDENT:

The committee to whom was referred the joint resolution, instructing our Senators and requesting our Representatives in Congress, to use their influence in securing the passage of a law abolishing the franking privilege, have had the same under consideration, and have directed me to report the same to the Senate, and recommend its passage.

Which was concurred in.

House Joint Resolution No. 9. A joint resolution instructing the Senators and requesting the Representatives of the State of Indiana, in the Congress of the United States, to use their influence to secure the abolition of the franking privilege.

Was taken up and read.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs.

Andrews,
Armstrong,

Beardsley,
Beeson,

Beggs,
Bradley,

Brown,	Francisco,	Lasselle,
Carnahan,	Fuller,	Martindale,
Caven,	Glessner,	Miller,
Collett,	Gray,	Morgan,
Denbo,	Gregg,	Robinson,
Dwiggins,	Henderson,	Straud,
Elliott,	Hess,	Taylor,
Fosdick,	Hooper,	Wood—30.

Those who voted in the negative were, Messrs.

Green,	Wadge,	Williams—4.
Hubbard,		

So the joint resolution passed.

The question being, shall the title of the joint resolution stand as read?

It was so ordered.

Ordered, that the Secretary inform the House thereof.

Mr. Gray, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 87, an act to amend an act entitled "An act to provide a treasury system for the State of Indiana, for the manner of receiving, holding, and disbursing the public moneys of the State, and for the safe keeping of public moneys, and providing a penalty for the violation thereof," have had the same under consideration, and recommend its indefinite postponement

Mr. Lasselle, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate Bill No. 71, entitled an act to establish a rate of interest, have had the same under consideration, and have directed me to report the same

back with the recommendation that the same be indefinitely postponed, for the reason that a similar proposition is now pending before the Senate for its action.

Mr. Glessner, from the committee on county and township business, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 67, have had the same under consideration, and have directed me to report the same back, recommending its passage.

Mr. Beeson, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to which was referred Senate Bill No. 118, a bill entitled an act to amend section 17 of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852, have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that it do pass.

Mr. Fosdick submitted the following report from the committee on county and township business:

MR. PRESIDENT:

The Senate committee, to whom was referred Senate Bill No. 7, introduced by Senator Hadley, instructed me to report that they have had the same under consideration, and recommend the passage of the bill after the adoption of the following amendments, to wit:

Amend section one by striking out the words "a full and complete report" after the word "out" in the seventh line, and before the word "of" in the eighth line, and inserting "a complete abstract," and also by striking out of said section "one" the twenty-first, twenty-second, twenty-third, twenty-fourth and twenty-fifth lines, and inserting the following, "be printed and published in some newspaper of general circulation, printed and published in the

county, provided such publication can be had for a price not exceeding five cents per line; but, if such advertisement can not be procured for such sum, it shall be the duty of the auditor to post such report on a bulletin board in his office, and keep the same so posted for the four weeks immediately succeeding each regular session of such board of commissioners."

All of which is respectfully submitted.

Mr. Beeson, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to which was referred Senate Bill No. 62, "a bill to authorize townships to aid in the erection of bridges for common travel," have had the same under consideration, and direct me to report the same back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

On motion of Mr. Caven, the regular order of business was suspended for the purpose of introducing bills.

Mr. Caven introduced

Senate Bill No. 148. A bill providing for a general system of common schools in all cities of thirty thousand, or more, inhabitants, and for the election of a board of school commissioners for such cities, and defining their duties and prescribing their powers, and providing for common school libraries within such cities.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Gray introduced

Senate Bill No. 149. A bill to amend section fourteen of an act entitled "An act concerning promissory notes and bills of exchange," approved May 12, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Message from the House, by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 177, entitled an act defining what counties shall constitute the Twenty-first Common Pleas District, and to fix the time of holding courts therein, and repealing all laws inconsistent herewith.

And the same is herewith transmitted to the Senate.

Also, I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 23, entitled a bill to repeal the laws authorizing the construction of drains, etc.

And the same is herewith transmitted to the Senate.

Mr. Denbo introduced

Senate Bill No. 150. A bill supplemental to an act providing for the election of clerks of circuit courts, and prescribing some of their duties, approved June 7, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Glessner introduced

Senate Bill No. 151. A bill to legalize certain acts of corporations, organized or attempted to be organized, under and by virtue of an act entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 13, 1852, and acts supplemental thereto.

Which was read a first time.

Mr. Green moved that the constitutional rule be suspended, and that the bill be read a second time now by title for reference.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Andrews,
Armstrong,
Beardsley,

Beeson,
Beggs,
Bradley,

Brown,
Carnahan,
Case,

Caven,	Henderson,	Robinson,
Collett,	Hess,	Sarninghausen,
Dwiggins,	Hooper,	Scott,
Elliott,	Hubbard,	Steele,
Fosdick,	Johnson,	Straud,
Francisco,	Lasselle,	Taylor,
Fuller,	Martindale,	Wadge,
Glessner,	Miller,	Williams,
Green,	Morgan,	Wood—36.

Those who voted in the negative were, Messrs.

Denbo,	Gray,	Gregg—3.
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So the constitutional rule was suspended.

Senate Bill No. 151, was read a second time by title, and,

On motion,

Referred to the committee on roads.

Mr. Collett introduced

Senate Bill No. 152. A bill to extend the time for the completion of railroads in cases in which the time has heretofore extended, and the roads are not yet finished.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Collett introduced

Senate Bill No. 153. A bill to provide for the organization of an experimental school, for the instruction of feeble-minded children.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Glessner introduced

Senate Bill No. 154. A bill to legalize the articles of association of all turnpike, or gravel road companies formed, or attempted to be formed, under the acts of 1852, or 1865, to complete assessments

thereunder, and limiting the time in which the same shall be done, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Brown, from the committee on corporations, by consent, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred Senate Bill No. 106, (introduced by Mr. Taylor,) being an act to repeal an act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies, approved May 12th, 1869, and declaring an emergency, report that they have had the same under consideration and advisement, and have directed me to report the same back to the Senate, with a recommendation that said bill and the subject matter therein contained be indefinitely postponed.

Mr. Hubbard dissenting from the above report.

Mr. Brown moved that the report be concurred in.

Messrs. Green and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Denbo,	Hooper,
Armstrong,	Dittmore,	Johnson,
Beggs,	Dwiggins,	Lasselle,
Bobo,	Elliott,	Miller,
Bradley,	Fosdick,	Morgan,
Brown,	Francisco,	Steele,
Carnahan,	Green,	Straud,
Case,	Gregg,	Williams,
Collett,	Henderson,	Wood—27.

Those who voted in the negative were, Messrs.

Beardsley,	Caven,	Gray,
Beeson,	Glessner,	Hess,

Hubbard,	Robinson,	Taylor,
Martindale,	Scott,	Wadge—12.

So the report of the committee was concurred in, and Senate Bill No. 106 was indefinitely postponed.

Mr. Brown moved to reconsider the vote just taken, and moved to lay that motion on the table.

Which was agreed to.

Mr. Denbo introduced

Senate Bill No. 155. A bill to enforce the collection of fees taxed against defendants who shall be convicted of any offense and sentenced to the penitentiary.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Caven introduced

Senate Bill No. 156. A bill to amend sections two and four of an act entitled "An act for the incorporation and continuance of building, loan fund, and saving association," approved March 5th, 1857.

Which was read a first time.

Mr. Caven moved the constitutional rule requiring bills to be read on three several days, be suspended, that the bill may be read a second time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Case,	Glessner,
Armstrong,	Caven,	Gray,
Beardsley,	Collett,	Green,
Beeson,	Dittemore,	Gregg,
Beggs,	Dwiggins,	Henderson,
Bradley,	Fosdick,	Hess,
Brown,	Francisco,	Hooper,
Carnahan,	Fuller,	Hubbard,

Lasselle,	Rosebrough,	Straud,
Martindale,	Sarninghausen,	Taylor,
Miller,	Scott,	Wadge,
Morgan,	Steele,	Williams—37.
Robinson,		

Those who voted in the negative were, Messrs.

Alsop,	Denbo,	Johnson—4.
Bobo,		

So the constitutional rule was suspended.

Senate Bill No. 155, was read a second time by title, and,

On motion,

Referred to the committee on corporations.

The President laid before the Senate the following message and accompanying documents, from the Governor :

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 1, 1871.

MR. PRESIDENT :

By direction of the Governor, I have the honor to transmit herewith a message and accompanying papers, in relation to the creation of a new Light-House District, to include the Mississippi, Missouri, and Ohio rivers.

JNO. M. COMMONS,
Private Secretary.

Gentlemen of the Senate and House of Representatives :

I have just received a private communication herewith respectfully transmitted, from a committee of the Pittsburg Coal Exchange, in relation to the establishing of a system of lights, buoys, channels, marks, etc., for the Western rivers, by the creation of a new Light-House District.

The letter of Colonel Merrill, of the Engineer's Department of the United States Army, which accompanies this communication, is especially worthy of consideration.

The paper herewith communicated also embodies a copy of a bill

recently introduced into the lower House of Congress by General Garfield, proposing to extend the jurisdiction of the Light-House Board over the Mississippi, Missouri and Ohio rivers, and to arrange these rivers into one or more Light-House Districts, etc.

I respectfully recommend the passage of a joint resolution asking our Senators and Representatives in Congress to urge the passage of said bill.

Mr. Denbo introduced

Senate Bill No. 157. A bill to authorize railroad companies to construct branch lines of their road, and to lease or grant the right of way over their road to any other railroad company whose road may intersect the same.

Which was read a first time.

Mr. Denbo moved that the constitutional rule be suspended, and that the bill be read a second time now by title and referred.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Martindale,
Andrews,	Elliott,	Miller,
Armstrong,	Fosdick,	Morgan,
Beardsley,	Francisco,	Robinson,
Becson,	Fuller,	Sarninghausen,
Beggs,	Glessner,	Scott,
Bobo,	Gray,	Steele,
Bradley,	Green,	Strand,
Carnahan,	Gregg,	Taylor,
Case,	Henderson,	Wadge,
Collett,	Hess,	Williams,
Denbo,	Hooper,	Wood—38.
Dittemore,	Lasselle,	

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 157 was read a second time by title, and referred to the committee on corporations.

On motion of Mr. Williams,

Engrossed House Bill No. 3. An act to fix the time of holding the circuit court in the several counties of the Third Judicial Circuit, and repealing all laws in conflict therewith, and declaring an emergency.

Was taken up and read a first time.

Mr. Williams moved that the bill lie upon the table.

Which was agreed to.

Mr. Hubbard introduced

Senate Bill No. 158. A bill to amend section seventeen of an act to fix the time of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process from the present common pleas courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bobo introduced

Senate Bill No. 159. A bill to amend section twenty-six of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a first time, and passed to a second reading on to-morrow.

On motion of Mr. Henderson,

The Senate adjourned.

WEDNESDAY FEBRUARY 1, 1871, 2 O'CLOCK P. M.

The Senate met.

Mr. Bradley, from the committee on education, made the following report:

MR. PRESIDENT:

The Senate committee on education, to which was referred House Bill No. 38, introduced by Mr. Guthrie, and entitled an act to legalize the official acts of the board of trustees of the town of Gosport, Owen county, Indiana, would respectfully represent that they have had the same under consideration, and recommend its passage,

Which report was concurred in.

On motion of Mr. Scott,

House Bill No. 38. A bill to legalize the official acts of the board of trustees of the town of Gosport, Owen county, and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and the by-laws, rules, regulations, and proceedings, adopted in pursuance thereof.

Was taken up and read a first time.

Mr. Scott moved that the constitutional rule be suspended, and that the bill be read a second time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Bradley,	Fosdick,
Andrews,	Carnahan,	Francisco,
Armstrong,	Case,	Fuller,
Beardsley,	Caven,	Glessner,
Beeson,	Collett,	Gray,
Beggs,	Denbo,	Green,
Bobo,	Dwiggins,	Gregg,

Henderson,	Martindale,	Steele,
Hess,	Morgan,	Straud,
Hooper,	Robinson,	Taylor,
Hubbard,	Sarninghausen,	Wadge—35.
Johnson,	Scott,	

No Senator voting in the negative.

So the constitutional rule was suspended, and House Bill No. 38 was read a second time.

Mr. Scott moved that the constitutional rule be suspended, and that House Bill No. 38 be considered engrossed, and read a third time now, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Hubbard,
Andrews,	Dwiggins,	Johnson,
Armstrong,	Fosdick,	Martindale,
Beardsley,	Francisco,	Morgan,
Beeson,	Fuller,	Robinson,
Beggs,	Glessner,	Sarninghausen,
Bobo,	Gray,	Scott,
Bradley,	Green,	Steele,
Carnahan,	Gregg,	Straud,
Case,	Henderson,	Taylor,
Caven,	Hess,	Wadge—35.
Collett,	Hooper,	

No Senator voting in the negative.

So the constitutional rule was suspended, and House Bill No. 38 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Armstrong,	Beeson,
Andrews,	Beardsley,	Beggs,

Bobo,	Fuller,	Miller,
Bradley,	Gray,	Morgan,
Brown,	Green,	Robinson,
Carnahan,	Gregg,	Sarninghausen,
Case,	Henderson,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Straud,
Dwiggins,	Hubbard,	Taylor,
Elliott,	Johnson,	Wadge,
Fosdick,	Martindale,	Williams—37.
Francisco,		

Mr. Glessner voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Brown, Senate Bill No. 62 was taken from the table and placed upon the files.

Mr. Johnson introduced

Senate Bill No. 160. A bill to provide for the loaning on real estate securities by the Auditor of State, Treasurer of State, and Secretary of State, the moneys belonging to the Sinking Fund now on hand, or that may hereafter be received, and for the paying over to the Treasurer of State, semi-annually, the interest on said mortgage laws for distribution as part of the school fund, and for continuing in force all existing laws in regard to the custody, management, and security of the Sinking Fund, that are not in conflict with this act.

Which was read a first time.

Mr. Williams introduced

Senate Bill No. 161. A bill to amend the sixth section of an act to provide for the custody and management of the notes, bonds and mortgages arising directly out of loans heretofore made by the Board

of Sinking Fund Commissioners; to continue in force all laws or parts of laws in force on the 20th day of January, 1867, which are applicable to said loans and the securities therefor; to clothe the Auditor of State with the powers, and subject him to the duties in relation to said loans and securities therefor, which by said laws are vested in, or imposed upon, said Board of Sinking Fund Commissioners; to provide for the incidental expenses of the management of said loans and securities, including clerk hire, and for the mode and periods of payment of such allowance for expenses; substituting the seal of the Auditor of State for that of the Board of Sinking Fund Commissioners, and declaring an emergency for the immediate taking effect of this act, and providing for Auditor of State to execute bond and payment of all moneys into the State Treasury.

Which was read a first time.

Mr. Johnson moved that the constitutional rule be suspended, and that Senate Bill No. 160 be read a second time now by title for reference.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Martindale,
Andrews,	Elliott,	Miller,
Armstrong,	Fosdick,	Morgan,
Beeson,	Francisco,	Robinson,
Beggs,	Fuller,	Sarninghausen,
Bobo,	Glessner,	Scott,
Bradley,	Green,	Steele,
Carnahan,	Gregg,	Straud,
Case,	Henderson,	Taylor,
Caven,	Hubbard,	Wadge,
Collett,	Johnson,	Williams,
Denbo,	Lasselle,	Wood—37.
Dittemore,		

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 160 was read a second time by title, and,

On motion,

Referred to the committee on finance.

Mr. Williams moved that the constitutional rule be suspended, and that Senate Bill No. 161 be read a second time by title for reference.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Martindale,
Andrews,	Elliott,	Miller,
Armstrong,	Fosdick,	Morgan,
Beeson,	Francisco,	Robinson,
Beggs,	Fuller,	Sarninghausen,
Bobo,	Glessner,	Scott,
Bradley,	Green,	Steele,
Carnahan,	Gregg,	Straud,
Case,	Henderson,	Taylor,
Caven,	Hess,	Wadge,
Collett,	Hubbard,	Williams,
Denbo,	Johnson,	Wood—38.
Dittemore,	Lasselle,	

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 161 was read a second time by title, and,

On motion,

Referred to the committee on finance.

Mr. Denbo, by consent, presented a petition from the legal voters of Washington county, asking the enactment of a law suppressing the traffic in intoxicating liquors as a beverage, and declaring such traffic criminal.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Collett, by consent, presented a petition from the attorneys of the county of Vermillion, asking an increase of the salaries of judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

SENATE BILLS ON SECOND READING.

Senate Bill No. 11. A bill to amend the 9th section of an act entitled "An act to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards, and county auditors in the premises, and repealing all laws inconsistent therewith," approved March 11th, 1867.

Which was read a second time.

Mr. Green moved to refer the bill to the committee on roads.

Which was not agreed to.

The bill was ordered engrossed, and passed to a third reading on to-morrow. *

Senate Bill No. 23. A bill to constitute the twenty-fifth judicial district.

Was read a second time, with the amendments reported by the committee, and the amendments were adopted.

Mr. Lasselle offered the following amendment:

Strike out the word "and" between can and Miami in 1st line, 1st section, and insert "and Pulaski" after the word "Miami" in same section, also insert after the word "term" in 5th line of 2d section, the words "in the county of Pulaski, on the Mondays succeeding the courts in the county of Miami, and shall continue two weeks," also, strike out the word "Miami" in 6th line of same section, and insert in lieu thereof, the word "Pulaski."

Which was adopted.

Mr. Lasselle moved that the constitutional rule be suspended, and that the bill be considered engrossed, and read a third time now, and put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,

Andrews,

Armstrong,

Beardsley,	Fosdick,	Martindale,
Beeson,	Francisco,	Miller,
Beggs,	Fuller,	Morgan,
Bradley,	Glessner,	Robinson,
Carnahan,	Green,	Sarninghausen,
Case,	Gregg,	Scott,
Caven,	Henderson,	Steele,
Collett,	Hess,	Straud,
Denbo,	Hooper,	Taylor,
Dittemore,	Hubbard,	Wadge,
Dwiggins,	Johnson,	Williams,
Elliott,	Lasselle,	Wood—39.

No Senator voting in the negative.

So the constitutional rule was suspended, and

Senate Bill No. 28 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Johnson,
Andrews,	Dwiggins,	Lasselle,
Armstrong,	Elliott,	Martindale,
Beardsley,	Fosdick,	Miller,
Beeson,	Francisco,	Morgan,
Beggs,	Fuller,	Robinson,
Bobo,	Glessner,	Sarninghausen,
Bradley,	Gray,	Scott,
Brown,	Green,	Steele,
Carnahan,	Gregg,	Straud,
Case,	Henderson,	Taylor,
Caven,	Hess,	Wadge,
Collett,	Hooper,	Williams,
Denbo,	Hubbard,	Wood—41.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title read, stand as the title of the bill?

It was so ordered.

Ordered, that the the Secretary inform the House thereof.

Senate Bill No. 29. A bill to provide for the holding of Roman Catholic churches, cemeteries, colleges and other property, and for the conveyance of and succession thereto.

Which was read a second time, with the amendments reported by the committee.

Which were agreed to, and the bill was ordered engrossed, and passed to a third reading on to-morrow.

Senate Bill No. 32. A bill to fix the time of holding the Circuit Court in the Twenty-Eighth Judicial Circuit, composed of the counties of Johnson, Shelby, Brown and Bartholomew, and providing for return of process, and repealing all laws in conflict therewith, and declaring an emergency.

Was read a second time, with the amendments reported by the committee.

Which were agreed to.

Mr. Glessner moved to suspend the constitutional rule, and that the bill be considered engrossed and read a third time now, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Caven,	Gregg,
Andrews,	Denbo,	Henderson,
Armstrong,	Dittemore,	Hooper,
Beardsley,	Dwiggins,	Hubbard,
Beeson,	Elliott,	Johnson,
Beggs,	Fosdick,	Lasselle,
Bobo,	Francisco,	Martindale,
Bradley,	Fuller,	Miller,
Brown,	Glessner,	Morgan,
Carnahan,	Gray,	Robinson,
Case,	Green,	Sarninghausen,

Scott,	Strand,	Williams,
Steele,	Taylor,	Wood—39.

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 32 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Lasselle,
Andrews,	Elliott,	Martindale,
Armstrong,	Fosdick,	Miller,
Beardsley,	Francisco,	Morgan,
Beeson,	Fuller,	Robinson,
Beggs,	Glessner,	Sarninghausen,
Bobo,	Gray,	Scott,
Bradley,	Green,	Steele,
Brown,	Gregg,	Straud,
Carnahan,	Henderson,	Taylor,
Case,	Hess,	Wadge,
Caven,	Hooper,	Williams,
Denbo,	Hubbard,	Wood—41.
Dittemore,	Johnson,	

No Senator voting in the negative.

So the bill passed.

The question being, shall the title just read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate Bill No. 36. A bill prescribing the duties of county auditors in relation to making out and publishing the delinquent list, and fixing compensation for publishing the same.

Which was read a second time, ordered engrossed and passed to a third reading on to-morrow.

Senate Bill No. 79. A bill to authorize incorporated cities and towns to condemn stone and gravel situated within one mile and a half of their corporate limits, for the purpose of constructing and repairing streets and alleys, and other public improvements, under the same rules and regulations that are now provided by law for other corporations to condemn stone and gravel.

Which was read a second time.

Mr. Gray moved to lay the bill upon the table.

Messrs. Gray and Elliott demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Robinson—4.
Denbo,		

Those who voted in the negative were, Messrs.

Alsop,	Elliott,	Lasselle,
Armstrong,	Fosdick,	Martindale,
Beeson,	Francisco,	Miller,
Beggs,	Fuller,	Morgan,
Boho,	Glessner,	Sarninghausen,
Bradley,	Green,	Steele,
Brown,	Gregg,	Straud,
Carnahan,	Henderson,	Taylor,
Caven,	Hess,	Wadge,
Collett,	Hubbard,	Wood—32.
Dwiggins,	Johnson,	

So the motion to lay upon the table did not prevail.

Mr. Steele offered the following:

Amend by striking out the words, "stone and."

Which was not agreed to.

The bill was ordered engrossed, and passed to a third reading on to-morrow.

Senate Bill No. 38. An act to amend "An act to exempt property from sale in certain cases."

Was read a second time, with amendments reported by the committee.

Mr. Martindale moved to lay the amendments upon the table.

Which was agreed to.

The bill was ordered engrossed, and passed to a third reading on to-morrow.

Mr. Collett asked and obtained leave of absence for to-morrow.

Senate Bill No. 130. A bill to amend section one of an act entitled "An act to incorporate the University of Notre Dame Du Lac, at South Bend," approved January 15, 1844.

Was read a second time, and passed to a third reading on to-morrow.

Senate Bill No. 131. A bill supplemental to an act passed December 18, 1865, entitled "An act to secure a just valuation and taxation of all railroad property within this State, to legalize the valuation, assessment, adjustment and payment of taxes for such property made subsequent to the year 1854, and to amend sections five and eight of the same act.

Which was read a second time by title, and,

On motion,

Referred to the committee on railroads.

Senate Bill No. 132. A bill to amend sections one, three and seven of an act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11, 1867, approved May 14, 1869, and to legalize assessments heretofore made.

Which was read a second time by title, and,

On motion,

Referred to the committee on roads.

Senate Bill No. 133. A bill declaring any person who is in the habit of becoming intoxicated ineligible to hold any office of public trust, prescribing the duty of county commissioners and judges of the Supreme Court in such cases, and making it a misdemeanor for any one to sell or give any intoxicating drinks, except cider, to any

one who is an habitual drunkard, prescribing punishment therefor, and declaring an emergency.

Which was read a second time, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 134. A bill supplemental to an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved March 5, 1859; approved December 20, 1865; approved April 26, 1869.

Which was read a second time, and,

On motion,

Referred to the committee on county and township business.

Senate Bill No. 135. A bill prescribing the manner of authorizing sheriffs' sales.

Which was read a second time, and,

On motion,

Referred to the committee on county and township business.

Senate Bill No. 136. A bill to fix the time of holding the circuit courts in the Eighth Judicial Circuit, prescribing the length of the terms thereof, and repealing all laws in conflict herewith.

Which was read a second time, and,

On motion,

Referred to a select committee consisting of Messrs. Wood, Hamilton and Johnson.

Senate Bill No. 138. A bill to amend section twenty-two of an act entitled "An act concerning enclosures, partition fences, and trespassing animals," approved June 4, 1852.

Which was read a second time, and,

On motion,

Referred to the committee on agriculture.

Senate Bill No. 139. A bill to amend section one hundred and thirty-five of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of

officers connected with the management thereof, and certain forms to be used in such settlement," approved June 17, 1852.

Which was read a second time, and,
 On motion,
 Referred to the committee on the judiciary.

Senate Bill No. 140. A bill to prohibit the catching or killing of fish in certain waters of the State, prescribing certain penalties for the violation thereof, and repealing all laws in conflict therewith.

Which was read a second time by title, and,
 On motion,
 Referred to the committee on county and township business.

Mr. Brown moved that the constitutional rule requiring bills to be read through by sections be suspended, that Senate Bill No. 19 may be read a second time by title only.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Armstrong,	Fuller,	Martindale,
Beeson,	Glessner,	Miller,
Beggs,	Gray,	Morgan,
Bradley,	Gregg,	Robinson,
Brown,	Henderson,	Sarninghausen,
Carnahan,	Hess,	Scott,
Case,	Hooper,	Steele,
Caven,	Hubbard,	Straud,
Denbo,	Johnson,	Taylor,
Dwiggins,	Keigwin,	Williams,
Francisco,	Lasselle,	Wood—33.

Mr. Andrews voting in the negative.

So the motion did not prevail.

On motion by Mr. Martindale,
 The Senate adjourned.

THURSDAY MORNING.

FEBRUARY 2, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. J. W. Asberry, of the Ames Methodist Episcopal Church, of Indianapolis.

The Journal of yesterday was being read, and the same was corrected as to certain action shown to have been had upon Senate Bill No. 19, which was irregular for want of a quorum.

On motion of Mr. Henderson,
The further reading of the Journal was dispensed with.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the Speaker of the House to inform the Senate that he has signed Enrolled Act No. 38 of the House, entitled "An act to legalize the official acts of the Board of Trustees of the town of Gosford, Owen county," etc., and the same is herewith transmitted to the Senate for the signature of the President thereof.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Francisco presented a petition from the citizens of Jefferson county, protesting against the passage of a law (or laws,) either local or general, to legalize in any manner the assessment so made by any gravel, plank or macadamized road company.

Which was,

On motion,

Referred to the committee on roads.

Mr. Hess presented a petition from the citizens of Henry county,

asking a repeal of all the divorce laws of the State, except that which provides for a legal separation for the crime of adultery.

Which was,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Mr. Hess presented a petition from the citizens of Henry county, asking a repeal of the most objectionable features of our divorce laws, and the enactment of such amendments as will guard their administration against corruption and fraud.

Which was,

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

Mr. Straud presented a petition from the legal voters of the county of Crawford, asking the enactment of a law suppressing the traffic of intoxicating liquors as a beverage, and declaring such traffic criminal.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Francisco presented a petition from the citizens of Jefferson county, asking that the statute be so amended as to make it a penal offense for any person over the age of sixteen and under twenty-one years, to purchase intoxicating liquors, with the same punishment for violation as that visited upon the unfortunate seller.

Which was,

On motion,

Referred to the committee on temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. Bradley, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The Senate committee on the judiciary, to whom was referred

Senate Bill No. 52, (introduced by Senator Fuller,) entitled "An act prohibiting the prosecuting attorneys of the Circuit Courts from entering a *nolle prosequi* in any State case, without the consent of the Court, and declaring an emergency," have had the same under consideration, and report the same back, recommending that it lie upon the table, as a like law is now in force.

Which report was concurred in, and Senate Bill No. 52 was laid upon the table.

Mr. Hooper, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 78, "An act to provide for the compensation of judges performing extra services," have had the same under consideration, and now report it back to the Senate recommending its passage.

Senator Glessner, of said committee, dissenting.

Mr. Hooper, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 98, an act to confirm and make valid sales of real estate in the State of Indiana, made by trustees and by domestic and foreign executors, and declaring an emergency, have had the same under consideration, and now report it back to the Senate, recommending its passage.

Mr. Glessner, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The Senate committee on the judiciary, to which was referred Senate Bill No. 114 (introduced by Mr. Bradley), entitled an act to provide for the acquisition and enjoyment by the United States of lands within this State for public purposes, have had the same un-

der consideration, and report the same back, recommending its passage.

Mr. Bradley, from the committee on education, made the following report:

MR. PRESIDENT:

The Senate committee on education, to which was referred Senate Bill No. 101 (introduced by Mr. Bradley), and entitled a bill to amend section five of an act entitled "An act to provide for a general system of common schools," would respectfully report that they have had the same under consideration, and, believing it to be inexpedient to legislate on the subject, recommend that it lie upon the table.

Which report was concurred in, and Senate Bill No. 101 was laid upon the table.

Mr. Bradley, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to which was referred Senate Bill No. 12, introduced by Mr. Cave, and entitled an act to amend section seven of "An act to provide a general system of common schools, the officers thereof, and their respective powers and duties," approved March 6, 1865, would respectfully report that they have had the same under consideration, and beg leave to recommend that it lie upon the table, for the reason that its provisions are contained in another bill, which the committee will favorably report.

Which report was concurred in, and Senate Bill No. 12 was laid upon the table.

Mr. Scott submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred Senate Bill No. 40, have had the same under advisement, and have instructed me to report the same back to the Senate, and recommend the passage of the bill.

H. D. SCOTT.

Mr. Scott submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred Senate Bill No. 60, have instructed me to report the following amendments, to wit:

Amend the second section by inserting at the commencement of the first line the words "before such bonds are issued, and before." Amend by striking out the word "but" in the fourth line, and the words "before payment to them" in the fifth line; insert in the ninth line, between the word "so" and the word "issued," the words "intended to be issued, or issued."

2d. Amend section three by inserting in the seventh line, after the word "collected," the following: "On all property in such city, town, or township, for school purposes, and on each taxable poll, all taxes assessed against the property of persons attached for school purposes, to be certified by the proper officer to the auditor of the county, or to the clerk of such city or town, to be by such officer placed on the duplicates, and collected as other taxes are collected," and upon the adoption of such amendments to recommend the passage of said bill.

H. D. SCOTT.

Mr. Taylor, from the committee on education, made the following report:

MR. PRESIDENT:

The Senate committee on education, to which was referred Senate Bill No. 41 (introduced by Mr. Martindale), entitled an act to amend an act entitled "An act to provide for a general system of common schools," etc., approved March 6, 1865, and adding supplemental sections thereto, would respectfully represent that they have had the same under consideration, and beg leave to report it back with the following amendments:

1st. Amend section third by striking out the words "such trustee" in the sixth line, and substitute in lieu thereof, "the township trustees;" also, in the twenty-second line of the same section, after the word "expenditures" add the following words, to wit: "And the trustees of cities and incorporated towns shall make like reports

to the commissioners for like object, at their September term, annually."

2d. Amend section four by striking out of the second line the following words, to wit: "And school trustees of incorporated towns and cities;" also, strike out "June" on third line, substituting in lieu thereof "November," and between that and the word "make," in the same line, insert the following words, to wit: "And the incorporated towns and cities after their annual settlement in September."

3d. Amend by striking out section five.

4th. Amend by striking out section seven.

5th. Amend section 11 by striking out the word "manner," in tenth line, and in lieu thereof substitute the word "number;" also, in twelfth line, add the word "of" between the words "number" and "volumes."

6th. Amend section 12, in the third line, by substituting "director" for directors, omitting the word "but" after the word notice, in the fifth line, and substitute the singular trustee in lieu of trustees, in sixth line.

7th. Amend section 13 by striking out the word "with" after trustee in the fourth line, substitute "is" for "are" in the ninth line, and "he" for "they" in the tenth; also, add the following proviso, to wit: "Provided that no school-house shall be erected within the distance of forty rods of the house or barn of any person without his consent."

8th. Amend section 15, by striking out after the word "withheld," in the twelfth line, the following words, to wit:

"May be collected from said School Examiner, in a suit before a justice of the peace, prosecuted in the name of the State, by any person living in the county, who has children enumerated for school purposes for the current year, who is aggrieved by said diminution, said suit shall be commenced within two years from the time when said report is due, and not afterwards."

And substitute therefor the following words, to wit:

"Shall be deducted by the Board of Commissioners from the salary or allowances made to said School Examiner, and to be by them transferred to the Common School revenue of said county."

Also, amend the proviso in the sixteenth line, to read as follows:

“Provided, That said diminution shall not be made from the school revenue of the county, if said School Examiner shall prove, by a certificate from the Postmaster, that said report was mailed in due time, together with his own affidavit of that fact.”

9th. Amend by striking out section 22.

10th. Amend by striking out section 23.

11th. Amend section 24, by inserting after the word “property,” in the tenth line, the words “is situated;” and in the fourteenth line, the word “where” after the word “case.”

12th. Amend section 26, by inserting “Trustee” for “Trustees” in the first line; striking out after the word “and,” in the eighth line, and between “shall,” in the ninth, the words, “with the School Examiner and teachers of the township.” Also add after “township,” in the twelfth line, the following words, to wit, “and that they may the better determine the merits of text books, apparatus, etc., may invite the opinion of the County Examiner, and the teachers of the township.”

13th. Amend by adding the following additional section, to restore section 131, which was repealed in 1867, and to read as follows, to wit: “There shall be assessed and collected, as the State and county revenues are assessed and collected, on the list of property taxable for State purposes, one-tenth of a mill on each one dollar.”

14th. Amend by adding the following in lieu of section 156, of an act approved March 6, 1865: “Each member of said Board, other than the Governor and Superintendent of Public Instruction, shall be allowed five dollars per day for each day’s service rendered; also traveling expenses, to be paid out of the State Treasury, which amount shall be certified by the Board to the Auditor of State, who shall draw his warrant therefor, payable out of the General Fund, which sum shall be reimbursed to the General Fund by the Treasurer of the Board paying into it that amount out of the money received by him as fees for certificates; and if there is any residue of money received as such fees, it shall be expended by the Superintendent of Public Instruction, in the purchase of suitable books for an office library.”

And upon the adoption of the foregoing amendments the committee recommend its passage.

(Signed,)

TAYLOR.

A member of the committee (Mr. Johnson) dissents from the action of the majority of the committee, and does not concur in this report.

Mr. Henderson, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 30, a bill supplemental to an act entitled "An act to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys and adopt when the same has been lost or destroyed, and prescribing the duties of boards of trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency," approved April 27, 1869, have had the same under consideration, and direct me to report the same back to the Senate and recommend its passage.

Mr. Cave, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to which was referred Senate Bill No. 97, an act supplementary to an act entitled "An act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved March 11, 1867, approved May 14, 1869, having had the same under consideration, have instructed me to report the same back to the Senate, and recommend that it lie on the table.

Which report was concurred in, and Senate Bill No. 97 was laid upon the table.

Mr. Glessner, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 126, (introduced by Senator Dougherty,) entitled "An act to limit the amount allowed by courts and boards of commissioners of the several counties of the State, to attorneys for prosecuting or defending criminals," have had the same under consideration, and have directed me to report the same back with the following amendment:

Strike out of the first section all after the twenty-fourth line, and insert the following thereafter: "But such judges and boards of commissioners may, in their discretion, allow a less sum for such services than the sums hereinbefore set forth, and from which allowance there shall be no appeal."

And with the amendment recommend the passage of the bill.

Mr. Johnson, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 15, a bill supplemental to "An act authorizing the construction of plank, macadamized and gravel roads," approved March 12, 1852, and the amendments thereto, have had the bill under consideration, and have directed me to report the same back with the following amendments, to wit: Amend first section by striking out the word "six," and inserting the word "ten;" and further amend said first section by striking out all after the word "rod;" and when so amended recommend its passage.

Mr. Gregg, from the committee on rights and privileges of the inhabitants of the State, made the following report:

MR. PRESIDENT:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred Senate Bill 127, A bill to amend an act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for the violation of this act, and declaring an emergency, approved March 9, 1867, beg leave to report that they have had the same un-

der consideration, and report the same back to the Senate, with the following amendment, to wit:

Amend by striking out the word "forty" in the first section, and insert in lieu thereof the word "twenty;" also, the word "ten," and insert in lieu thereof the word "twenty;" also, the word "ten" and insert the word "five" in place thereof.

And, when so amended, your committee recommend its passage.

Mr. Johnson, from the committee on rights and privileges of the inhabitants of the State, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred House Bill No. 84, entitled a bill to prevent prize-fighting, and prescribing punishment therefor, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that said bill do pass.

Mr. Johnson, from the committee on the rights and privileges of the inhabitants of the State, submitted the following report:

MR. PRESIDENT:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred Senate Bill No. 47, an act to repeal an act entitled "An act to discourage the keeping of useless and sheep-killing dogs, etc.," have had the bill under consideration, and have directed me to report the same back, and recommend that it lie on the table.

Which report was concurred in, and Senate Bill No. 47 was laid upon the table.

Mr. Beeson, from a special committee, made the following report:

MR. PRESIDENT:

The special committee on women's rights, to which was referred Senate Bill No. 54, a bill to authorize married women to make contracts, rendering their separate property liable therefor, exempting such property and their earnings from the debts of their husbands, and exempting the property of husbands from the separate debts of

wives, have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that it do pass.

Mr. Wood, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate Bill No. 136, a bill for an act to fix the time of holding the circuit courts in the Eighth Judicial Circuit, prescribing the length of the terms thereof, and repealing all laws in conflict therewith, respectfully report that they have had the same under consideration, and hereby recommend that the same do pass.

S. F. WOOD,
For Committee.

On motion of Mr. Wood,

The order of business was suspended, and Senate Bill No. 136 was read a second time.

Mr. Wood moved to suspend the constitutional rule, and Senate Bill No. 136, be considered engrossed, read a third time, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Johnson,
Armstrong,	Elliott,	Keigwin,
Beardsley,	Fosdick,	Lasselle,
Beeson,	Francisco,	Miller,
Beggs,	Fuller,	Robinson,
Bobo,	Glessner,	Sarninghauser,
Brown,	Gray,	Scott,
Carnahan,	Green,	Steele,
Case,	Gregg,	Straud,
Cave,	Henderson,	Taylor,
Caven,	Hess,	Wadge,
Denbo,	Hooper,	Williams,
Dittemore,	Hubbard,	Wood—40.
Dougherty,		

No Senator voting in the negative.

So the constitutional rule was suspended.

Senate Bill No. 136. A bill for an act to fix the time of holding the circuit courts in the Eighth Judicial Circuit, prescribing the length of the terms thereof, and repealing all laws in conflict therewith.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Hubbard,
Armstrong,	Dwiggins,	Johnson,
Beardsley,	Elliott,	Martindale,
Beson,	Fosdick,	Miller,
Beggs,	Francisco,	Morgan,
Bobo,	Fuller,	Robinson,
Bradley,	Glessner,	Sarninghausen,
Carnahan,	Gray,	Scott,
Cave,	Green,	Steele,
Case,	Gregg,	Straud,
Caven,	Hess,	Wadge,
Dittemore,	Hooper,	Wood—36.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed engrossed House Bill No. 69, entitled a bill making

specific appropriations for the benevolent institutions, which is herewith transmitted to the Senate for its action thereon.

By unanimous consent,
Mr. Miller introduced

Senate Bill No. 162. A bill authorizing the reassessment of lands for plank, macadamized and gravel road purposes, in all cases where an assessment has once been made, which for any cause is invalid, and prescribing the manner of assessing and collecting the same, and repealing all laws in conflict therewith.

Which was read a first time.

On motion,

It was ordered that the bill lie on the table, and that 100 copies thereof be printed.

Mr. Morgan moved that the order of business be suspended for the purpose of taking up House Bill No. 69.

Which was agreed to, and

House Bill No. 69. A bill making specific appropriations for the benevolent institutions,

Was read a first time.

Mr. Gray moved that the constitutional rule be suspended, and that House Bill No. 69 be read a second time now by title for reference.

The ayes and noes were taken under then constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Cave,	Gray,
Armstrong,	Caven,	Green,
Beardsley,	Denbo,	Gregg,
Beeson,	Dougherty,	Hess,
Beggs,	Dwiggins,	Hooper,
Bobo,	Fosdick,	Hubbard,
Bradley,	Francisco,	Johnson,
Carnahan,	Fuller,	Lasselle,
Case,	Glessner,	Martindale,

Miller,
Morgan,
Robinson,
Sarninghausen,

Steele,
Straud,
Taylor,

Wadge,
Williams,
Wood—37.

No Senator voting in the negative.

So the constitutional rule was suspended, and House Bill No. 69

Was read a second time by title, and,

On motion,

Referred to the committee on finance.

By unanimous consent,

Mr. Beggs introduced

Senate Bill No. 163. An act to authorize the consolidation of hydraulic companies, and to define the powers of such consolidated companies.

Which was read a first time.

Mr. Beggs moved that the constitutional rule be suspended, and that Senate Bill No. 163 be read a second time by title for reference.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,
Andrews,
Armstrong,
Beardsley,
Beeson,
Beggs,
Bobo,
Bradley,
Carnahan,
Cave,
Case,
Caven,
Denbo,
Dittemore,

Dougherty,
Dwiggins,
Fosdick,
Francisco,
Fuller,
Glessner,
Gray,
Green,
Gregg,
Hess,
Hooper,
Hubbard,
Johnson,

Keigwin,
Lasselle,
Martindale,
Miller,
Morgan,
Robinson,
Sarninghausen,
Steele,
Straud,
Taylor,
Wadge,
Williams,
Wood—40.

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 163
Was read a second time by title.

On motion of Mr. Beggs,
Senate Bill No. 163 was referred to a special committee of three,
consisting of Messrs. Beggs, Gray and Morgan.

By unanimous consent,
Mr. Morgan introduced

Senate Bill No. 164. A bill to make further provision for the
care and treatment of the insane of the State.

Which was read a first time, and passed to a second reading on
to-morrow.

Mr. Gray offered the following:

Resolved, That the judiciary committee, to whom was referred
Senate Bill No. 31, (January 13,) "A bill to provide for the pay-
ment of certain bonds therein named, and to abolish the office of
Agent of State," are hereby requested to report said bill to the Sen-
ate at two o'clock P. M., this day.

Which was adopted.

Mr. Dittimore offered the following resolution:

Resolved, That the President of the Senate appoint a committee
of three, to be selected from the standing committee on military
affairs, to proceed without delay to Dayton, Ohio, and ascertain
whether the National Home for Disabled Soldiers and Seamen can
accommodate the soldiers and seamen now located at the Indiana
Home, at Knightstown, preparatory to their removal to said Home
at Dayton.

Which,

On motion of Mr. Martindale,
Was referred to the committee on military affairs.

Mr. Glessner offered the following:

Resolved, That His Excellency, Governor Baker, be and he is

hereby respectfully requested to lay before the Senate, at his earliest convenient moment, a full and complete statement of the amount of money he has drawn from the State Treasury during the time he was acting as Governor, and also during the time he has been Governor, under and by virtue of the 4th section of an act entitled "An act appointing Commissioners to sell real estate therein named, to provide a residence for the Governor of the State, and make him an allowance in lieu thereof," etc., etc., approved February 25, 1865, and that he also furnish a full and complete statement of all sums of money paid out by him during said time for house rent.

Which was adopted.

INTRODUCTION OF BILLS.

Mr. Wood introduced

Senate Bill No. 165. A bill to amend section two of an act entitled "An act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Keigwin introduced

Senate Bill No. 166. A bill in relation to the taxation of lands in towns, and repealing all laws inconsistent therewith.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Martindale introduced

Senate Bill No. 167. A bill to amend sections 61, 68, 69 and 70 of "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such matters as pertain thereto," approved March 14th, 1867.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Morgan asked and obtained leave of absence until to-morrow at two o'clock, for the committee on benevolent institutions.

Mr. Dittmore asked and obtained leave of absence for Mr. Morgan, from to-morrow two o'clock until Monday next.

Mr. Williams moved that the Senate do now adjourn.

It was agreed to.

THURSDAY, FEBRUARY 2, 1871, 2 O'CLOCK P. M.

The Senate met.

Mr. Dougherty introduced

Senate Bill No. 168. A bill prescribing certain of the duties of the clerks, auditors, sheriffs and treasurers of the several counties of this State, fixing their compensation, prescribing penalties for their failure to discharge their duties, regulating the appointment of bailiffs and their allowances, and repealing all laws in conflict with the provisions hereof.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Glessner introduced

Senate Bill No. 169. An act to amend the third section of an act entitled "An act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison," approved March 3, 1855, and all other laws or parts of laws inconsistent herewith, approved February 5, 1857.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Dougherty introduced

Senate Bill No. 170. A bill to legalize the official acts of the Council and other officers of the corporation of Bluffton, in issuing and negotiating certain bonds to aid in the erection of the Graded

School Building, under an act for the incorporation of the town of Bluffton, Wells county, Indiana, approved February 12, 1851.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Glessner introduced

Senate Bill No. 171. A bill to amend the fourth section of an act entitled "An act appointing commissioners to sell real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith," approved February 25, 1865.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Miller introduced

Senate Bill No. 172. An act defining misdemeanors and prescribing punishment therefor.

Which was read a first time.

Mr. Glessner moved that the constitutional rule be suspended, and that Senate Bill No. 172 be read a second time by title for reference.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Hess,
Andrews,	Dwiggins,	Hooper,
Armstrong,	Elliott,	Hubbard,
Beardsley,	Fosdick,	Johnson,
Becson,	Francisco,	Lasselle,
Beggs,	Fuller,	Martindale,
Bobo,	Glessner,	Miller,
Bradley,	Gray,	Robinson,
Case,	Green,	Straud,
Caven,	Gregg,	Taylor,
Denbo,	Hadley,	Williams,
Dittemore,	Hamilton,	Wood—36.

Those who voted in the negative were, Messrs.

Henderson,

Scott—2.

So the constitutional rule was suspended, and Senate Bill No. 172 was read a second time by title, and,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Mr. Dougherty asked and obtained leave of absence for Mr. Bobo until one week from next Monday.

Leave of absence was granted Mr. Fosdick from to-morrow until Thursday next.

Mr. Glessner moved to suspend the order of business, for the purpose of making a motion to reconsider the vote by which Mr. Gray's resolution requiring the judiciary committee to make a report by 2 o'clock P. M. of to-day, upon Senate Bill No. 31, was adopted.

Messrs. Dittmore and Glessner demanded the ayes and noes.

The question being upon the motion to suspend the order of business.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittmore,	Gregg,
Armstrong,	Dougherty,	Henderson,
Beggs,	Elliott,	Hooper,
Bradley,	Francisco,	Lasselle,
Brown,	Fuller,	Straud,
Cave,	Glessner,	Williams—19.
Denbo,		

Those who voted in the negative were, Messrs.

Andrews,	Caven,	Hadley,
Beardsley,	Dwiggins,	Hess,
Beeson,	Fosdick,	Hubbard,
Case,	Gray,	Martindale,

Miller,	Scott,	Wadge,
Robinson,	Taylor,	Wood—18.

So the motion to suspend the order of business prevailed.

Mr. Glessner then moved to reconsider the vote by which the resolution was adopted.

The ayes and noes were demanded by Messrs. Gray and Wood.

The question being upon the motion to reconsider.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Gregg,
Armstrong,	Dougherty,	Henderson,
Beggs,	Elliott,	Johnson,
Bradley,	Francisco,	Lasselle,
Brown,	Fuller,	Straud,
Cave,	Glessner,	Williams—19.
Denbo,		

Those who voted in the negative were, Messrs.

Andrews,	Fosdick,	Miller,
Beardsley,	Gray,	Robinson,
Beeson,	Hadley,	Scott,
Case,	Hess,	Taylor,
Caven,	Hubbard,	Wadge,
Dwiggins,	Martindale,	Wood—18.

So the motion to reconsider prevailed.

Mr. Glessner moved to amend the resolution, so as to require the committee to report by Monday next at two and a half o'clock P. M.

Which was adopted.

The question recurring on the adoption of the resolution as amended.

It was agreed to.

Leave of absence was granted Mr. Dougherty from to-morrow until Tuesday next.

Mr. Fosdick offered the following resolution :

Resolved by the Senate, That that portion of the Governor's message relating to a new State House be referred to the committee on public buildings, with instructions to inquire—

- 1st. Whether said ground is needed.
- 2d. Whether the same can be purchased.
- 3d. At what price the same can be had.
- 4th. What action is necessary in the premises, and report the result of their investigations to the Senate, by bill or otherwise.

Which was adopted.

SENATE BILLS ON SECOND READING.

Senate Bill No. 130. A bill to amend section one of an act entitled "An act to incorporate the University of Notre Dame Du Lac, at South Bend, St. Joseph county, Indiana," approved June 15, 1844.

Which was read a second time by title, and,

On motion,

Referred to the committee on education.

Senate Bill No. 141. A bill to amend section seventeen of an act for the incorporation of cities.

Which was read a second time by title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 142. A bill to amend the 211th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to repeal section 216 of the same act.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 143. A bill to amend section 311 of chapter one S. J.—27

of "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Which was read a second time by title, and,

On motion,

Referred to the committee on judiciary.

Senate Bill No. 144. A bill to abolish the common pleas courts and the criminal circuit courts, and conferring the jurisdiction and business thereof upon the circuit courts, defining the duties of the circuit courts and the clerks in regard thereto, dividing the State into judicial circuits, providing for the election and compensation of judges thereof and prosecuting attorneys, repealing all laws in conflict herewith, and prescribing when this act shall take effect.

Was read a second time by title.

Mr. Denbo moved that the bill lie upon the table, that two hundred copies thereof be printed, and that it be made the special order for Thursday next at two and a half o'clock P. M.

Which was agreed to.

Senate Bill No. 145. A bill fixing the times of holding courts in the Twelfth Judicial Circuit, repealing all laws in conflict therewith, and declaring an emergency.

Was read a second time.

Mr. Dwiggins moved that the constitutional rule be suspended, and that Senate Bill No. 145 be considered engrossed, read a third time, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,
Andrews,
Armstrong,
Beeson,

Beggs,
Bradley,
Case,
Cave,

Caven,
Denbo,
Dittimore,
Dougherty,

Dwiggins,	Hadley,	Miller,
Elliott,	Henderson,	Robinson,
Fosdick,	Hess,	Scott,
Francisco,	Hooper,	Straud,
Fuller,	Hubbard,	Taylor,
Glessner,	Keigwin,	Wadge,
Gray,	Lasselle,	Williams,
Green,	Martindale,	Wood—36.

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 145 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Johnson,
Andrews,	Elliott,	Keigwin,
Armstrong,	Fosdick,	Lasselle,
Beeson,	Francisco,	Martindale,
Beggs,	Fuller,	Miller,
Bradley,	Glessner,	Robinson,
Case,	Gray,	Scott,
Cave,	Gregg,	Straud,
Caven,	Hadley,	Taylor,
Denbo,	Hess,	Wadge,
Dittemore,	Hubbard,	Wood—34.
Dougherty,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Johnson, by consent, introduced

Senate Bill No. 173. A bill legalizing the consolidation of the

Logansport, Camden and Frankfort, the Frankfort and Crawfordsville, and the Crawfordsville and Rockville Railroad Companies, under the name of the Logansport, Crawfordsville and Southwestern Railway Company, and the present organization of the last named company, and the proceedings of its stockholders and boards of directors.

Which was read a first time.

Mr. Johnson moved that the constitutional rule be suspended, and that Senate Bill No. 173 be read a second time by title for reference.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Elliott,	Keigwin,
Andrews,	Fosdick,	Lasselle,
Armstrong,	Francisco,	Martindale,
Beeson,	Fuller,	Miller,
Beggs,	Glessner,	Robinson,
Bradley,	Gray,	Scott,
Case,	Gregg.	Steele,
Cave,	Hadley,	Straud,
Caven,	Hess,	Wadge,
Denbo,	Hooper,	Williams,
Dittemore,	Hubbard,	Wood—35.
Dwiggins,	Johnson,	

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 173 was read a second time by title.

On motion of Mr. Johnson,

Senate Bill No. 173 was referred to a select committee of five, consisting of Messrs. Johnson, Hamilton, Lasselle, Wood and Armstrong.

Senate Bill No. 146. A bill to amend section one of an act entitled "An act to enable incorporated towns to lay out and open, grade and improve streets and alleys, and make public improve-

ments therein, and to make surveys and adopt plats where the same have been lost or destroyed, and prescribing the duties of the board of trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency," approved April 27, 1869, and declaring an emergency.

Was read a second time by title, and,

On motion,

Referred to the committee on county and township business.

Senate Bill No. 147. A bill to provide for the publication of the proceedings and allowances of boards of county commissioners, and for the publication of the receipts and expenditures of township trustees, and for other purposes.

Was read a second time by title, and,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Senate Bill No. 148. A bill providing for a general system of common schools in all cities of thirty thousand or more inhabitants, and for the election of a board of school commissioners for such cities, and defining their duties, and prescribing their powers, and providing for common school libraries within such cities

Was read a second time by title, and,

On motion,

Referred to the committee on education.

Senate Bill No. 149. An act to amend section 14 of an act entitled "An act concerning promissory notes and bills of exchange," approved May 12th, 1852.

Was read a second time.

Mr. Gray moved that the constitutional rule be suspended, and that Senate Bill No. 149 be considered engrossed, read a third time now, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,

Andrews,

Armstrong,

Beeson,	Fosdick,	Johnson,
Beggs,	Francisco,	Lasselle,
Bradley,	Fuller,	Martindale,
Brown,	Glessner,	Miller,
Case,	Gray,	Robinson,
Cave,	Gregg,	Sarninghausen,
Caven,	Henderson,	Steele,
Denbo,	Hess,	Straud,
Dittemore,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Williams—34.
Elliott,		

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 149 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Elliott,	Lasselle,
Andrews,	Fosdick,	Martindale,
Armstrong,	Francisco,	Miller,
Beardsley,	Fuller,	Robinson,
Beeson,	Glessner,	Scott,
Bradley,	Gray,	Steele,
Brown,	Gregg,	Straud,
Case,	Hadley,	Taylor,
Caven,	Hess,	Wadge,
Denbo,	Hubbard,	Williams,
Dittemore,	Johnson,	Wood—34.
Dwiggins,		

Those who voted in the negative were, Messrs.

Beggs,	Henderson—2.
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So the bill passed.

The question being, shall the title of the bill stand as read?

Mr. Gray moved to amend the title as follows:

A bill to amend section 14 of an act entitled "An act concerning

promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict herewith," approved March 11, 1861.

Which was agreed to.

Ordered, That the Secretary inform the House thereof.

Senate Bill No. 150. A bill supplemental to "An act providing for the election of clerks of the Circuit Court, and prescribing some of their duties," approved June 7, 1852.

Which was read a second time by title, and

On motion,

Referred to the committee on fees and salaries.

Senate Bill No. 152. A bill to extend the time for the completion of railroads, in cases in which the time has been heretofore extended and the roads are not yet finished.

Which was read a second time by title, and,

On motion,

Referred to the committee on railroads.

Senate Bill No. 153. A bill to provide for the organization of an experimental school for the instruction of feeble-minded children.

Which was read a second time by title, and,

On motion,

Referred to the committee on benevolent institutions.

Senate Bill No. 154. A bill to legalize the articles of association of all turnpike or gravel road companies, formed or attempted to be formed under the acts of 1852 or 1865, to complete assessments thereunder, and limiting the time in which the same shall be done, and declaring an emergency.

Which was read a second time by title, and,

On motion,

Referred to the committee on roads.

Senate Bill No. 155. A bill to enforce the collection of fees taxed

against defendants who shall be convicted of any offense and sentenced to the penitentiary.

Which was read a second time by title, and,

On motion,

Referred to the committee on fees and salaries.

Senate Bill No. 158. An act to amend section 17 of "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Which was read a second time by title, and,

On motion,

Referred to a special committee consisting of Messrs. Bradley, Beardsley and Hubbard.

Senate Bill No. 159. A bill to amend section 26 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

By unanimous consent,

Mr. Taylor introduced

Senate Bill No. 174. A bill for an act to amend an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to, railroad companies," approved May 12, 1869.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bradley, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 8, entitled an act to amend the 6th, 7th and 11th sections of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852, and repealing all laws conflicting with this act, respectfully report that they have considered the same, and have proposed the accompanying amendments thereto; and upon the adoption of the same, recommend that the bill do pass.

By the committee,

JAMES BRADLEY,
Chairman.

Mr. Martindale moved that the amendments reported by the committee be concurred in.

Which was agreed to, and Senate Bill No. 8 was read a second time.

Mr. Martindale moved that the constitutional rule be suspended, and that Senate Bill No. 8 be considered engrossed, read a third time, and put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Hubbard,
Andrews,	Dougherty,	Johnson,
Armstrong,	Dwiggins,	Martindale,
Beardsley,	Fosdick,	Miller,
Beeson,	Francisco,	Robinson,
Beggs,	Fuller,	Sarninghausen,
Bradley,	Gray,	Steele,
Brown,	Gregg,	Straud,
Case,	Hadley,	Taylor,
Cave,	Hess,	Wadge,
Caven,	Hooper,	Wood—34.
Denbo,		

No Senator voting in the negative.

So the constitutional rule was suspended.

Senate Bill No. 8. A bill to amend the 6th, 7th and 11th sections of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852, and repealing all laws conflicting with this act.

Mr. Wood, by unanimous consent of the Senate, moved to strike out the emergency clause.

It was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Johnson,
Andrews,	Fosdick,	Keigwin,
Armstrong,	Francisco,	Lasselle,
Beardsley,	Fuller,	Martindale,
Beeson,	Glessner,	Miller,
Beggs,	Gray,	Morgan,
Bradley,	Green,	Robinson,
Brown,	Gregg,	Steele,
Case,	Hadley,	Straud,
Caven,	Hess,	Taylor,
Denbo,	Hooper,	Wadge,
Dittemore,	Hubbard,	Wood—37.
Dougherty,		

Mr. Cave voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill? .

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate Bill No. 19 was being read.

Mr. Brown moved that the constitutional rule, requiring bills to be read through by sections, be suspended that the bill may be read by title only.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Andrews,	Dwiggins,	Keigwin,
Armstrong,	Fosdick,	Lasselle,
Beardsley,	Francisco,	Martindale,
Beeson,	Fuller,	Miller,
Beggs,	Glessner,	Morgan,
Bradley,	Green,	Robinson,
Brown,	Gregg,	Steele,
Carnahan,	Hadley,	Straud,
Case,	Hess,	Taylor,
Caven,	Hooper,	Wadge—35.
Denbo,	Hubbard,	

Mr. Cave voting in the negative.

So the rule was suspended, and the Senate bill No. 19, was read by title only, a second time.

Mr. Andrews offered the following amendments:

Amend the first section by striking out the words "one thousand" in the third line, and insert in lieu thereof, "five hundred."

By striking out in the second section all from the word "election" in the seventh line to the word "and" in the eleventh line.

By striking out the words "two-thirds" in the first line of the eleventh section, and insert in lieu thereof the words "fifty-five per cent.," and by striking out from the ninth line of the same section the words "five hundred dollars," and insert in lieu thereof, the words "fifty nor more than one thousand dollars;" and also, by striking out from the ninth and tenth lines the words "one hundred and fifty dollars, to pay commissioners to assess damages."

The question being, on the adoption of the first part of the amendment.

Mr. Brown moved to strike out "one hundred" and insert "two hundred."

It was agreed to.

The question being, on the adoption of the second part of the amendment.

Mr. Brown moved to lay the same on the table.

It was agreed to.

The question being, on the adoption of the third part of the amendment.

It was agreed to.

The question being, on the adoption of the fourth part of the amendment.

Mr. Brown moved to amend by striking out and inserting "not to exceed two hundred."

It was agreed to.

The question being, on the adoption of the fifth part of the amendment.

It was agreed to.

Mr. Brown moved to strike out and insert in the proper place "not to exceed one hundred and twenty-five dollars."

It was agreed to.

Mr. Dwiggins moved to amend by striking out of section second the word "six" in the last line, and insert the word "one."

Mr. Brown moved to amend by saying two years.

Which was agreed to.

And the amendment as amended was adopted.

On motion by Mr. Brown,

The bill with amendments, was ordered to be engrossed for a third reading on to-morrow.

Mr. Martindale moved that the Senate do now adjourn.

It was agreed to.

FRIDAY MORNING.

FEBRUARY 3, 1871, 10 O'CLOCK A. M.

The Senate met.

Prayer by Rev. J. E. Scott, of the Presbyterian Church of Indianapolis.

The Journal of yesterday was being read; when,
On motion of Mr. Carnahan,
The further reading thereof, was dispensed with.

Mr. Bradley asked and obtained leave of absence for Mr. Straud, until Wednesday next.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Dwiggins presented two petitions from the citizens of the county of White, asking the enactment of a law suppressing the traffic in intoxicating liquors as a beverage, and declaring such traffic criminal.

Which was,
On motion,
Referred to the committee on temperance.

Mr. Robinson presented a petition from the members of the Greensburg bar, asking that section 1st of an act to fix the time of holding the Common Pleas Court in the Twenty-Second District, be so amended as to change the time of holding the court in the county of Decatur, to the second Mondays of March and September of each year, which petition was accompanied with a bill, which by unanimous consent,

Mr. Robinson introduced as

Senate Bill No. 175, an act to fix the times of holding the Com-

mon Pleas Courts in the county of Decatur, and repealing all laws inconsistent therewith.

Which was read a first time.

Mr. Robinson moved that the constitutional rule be suspended and that Senate Bill No. 175, be read a second time.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Johnson,
Armstrong,	Dwiggins,	Keigwin,
Beardsley,	Elliott,	Martindale,
Beeson,	Francisco,	Miller,
Beggs,	Fuller,	Robinson,
Bradley,	Glessner,	Sarninghausen,
Brown,	Gray,	Scott,
Carnahan,	Gregg,	Steele,
Case,	Henderson,	Taylor,
Cave,	Hess,	Wadge,
Caven,	Hooper,	Williams,
Collett,	Hubbard,	Wood—37.
Denbo,		

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 175 was read a second time.

Mr. Robinson moved that the constitutional rule be suspended, and that Senate Bill No. 175 be considered engrossed, and read a third time now, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Bradley,	Caven,
Armstrong,	Brown,	Collett,
Beardsley,	Carnahan,	Denbo,
Beeson,	Cave,	Dittemore,
Beggs,	Case,	Dwiggins,

Elliott,	Hooper,	Sarninghausen,
Francisco,	Hubbard,	Scott,
Fuller,	Johnson,	Steele,
Glessner,	Keigwin,	Taylor,
Gray,	Martindale,	Wadge,
Gregg,	Miller,	Williams,
Henderson,	Robinson,	Wood—37.
Hess,		

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 175 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Armstrong,	Dittemore,	Keigwin,
Beardsley,	Dwiggins,	Lasselle,
Beeson,	Elliott,	Martindale,
Beggs,	Francisco,	Miller,
Bradley,	Fuller,	Robinson,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gray,	Scott,
Case,	Henderson,	Taylor,
Cave,	Hess,	Wadge,
Caven,	Hooper,	Williams,
Collett,	Hubbard,	Wood—35.
Denbo,	Johnson,	

No Senator voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate

that in pursuance of a concurrent resolution of the House and Senate, in relation to the equalization of assessments, and the assessment of railroads, etc., he has appointed the following committee upon the part of the House, to wit: Messrs. Stone, Gentry, Warrum, King, Miles, Conner and Wood.

The following is the committee on the part of the Senate: Messrs. Brown, Robinson, Taylor and Case.

Mr. Denbo presented a petition from citizens of the State, asking—

1st. For the creation of a Board of Supervisors (upon which there shall be at least three women,) to inspect and watch over the condition of the Prisons, Reformatories, and Benevolent Institutions belonging to the State.

2d. The passage of a law for the improvement of county jails.

3d. Asking that the initiatory steps be taken at the present session for the erection of an intermediate State prison for younger and less hardened criminals.

Which was,

On motion,

Referred to the committee on reformatory institutions.

Mr. Denbo presented a petition from the citizens of the county of Orange, asking a repeal of all the divorce laws of our State, except that which provides for a legal separation of husband and wife for the crime of adultery.

Which was,

On motion,

Referred to the committee on the judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. Williams, from the committee on finance, made the following report:

MR. PRESIDENT:

Your committee on finance, to whom was referred Engrossed House Bill No. 69, a bill making specific appropriations for the benevolent institutions, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Which report was concurred in.

On motion of Mr. Williams,
The order of business was suspended, and

Engrossed House Bill No. 69, "A bill making specific appropriations for the benevolent institutions,"

Was taken up and read a second time.

Mr. Williams moved that the constitutional rule be suspended, and that Engrossed House Bill No. 69 be read a third time now, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Johnson,
Armstrong,	Dittemore,	Keigwin,
Beardsley,	Dwiggins,	Lasselle,
Beeson,	Elliott,	Martindale,
Beggs,	Francisco,	Miller,
Bradley,	Fuller,	Robinson,
Brown,	Glessner,	Sarninghausen,
Carnahan,	Gray,	Scott,
Case,	Gregg,	Taylor,
Cave,	Hess,	Wadge,
Caven,	Hooper,	Williams,
Collett,	Hubbard,	Wood—36.

No Senator voting in the negative.

So the constitutional rule was suspended, and Engrossed House Bill No. 69 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Bradley,	Caven,
Armstrong,	Brown,	Collett,
Beardsley,	Carnahan,	Dwiggins,
Beeson,	Case,	Elliott,
Beggs,	Cave,	Francisco,

Fuller,	Hubbard,	Sarninghausen,
Glessner,	Johnson,	Scott,
Gray,	Keigwin,	Taylor,
Gregg,	Lasselle,	Wadge,
Henderson,	Martindale,	Williams,
Hess,	Miller,	Wood—35.
Hooper,	Robinson,	

Mr. Dittmore voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Dwiggins,
The order of business was suspended, and

Engrossed House Bill No. 23. A bill to repeal an act entitled "An act to authorize and encourage the construction of levies, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject, which took effect May 22d, 1869."

Was taken up and read a first time.

Mr. Johnson, from the committee on education, made the following report :

MR. SPEAKER:

The committee on education, to which was referred Senate Bill No. 43, a bill to legalize the sale of Seminary lands in Jasper county, have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its passage.

Mr. Hess, from the committee on roads, submitted the following report:

MR. PRESIDENT:

A majority of the committee to which was referred Senate Bill

No. 119, entitled an act supplemental to an act entitled "An act authorizing the assessment of lands for plank, macadamized and gravel roads, etc.," report that a majority of your committee have had said bill under consideration, and now report the same back to the Senate, with the following amendments, to wit:

1st. Amend as follows, section 2, after the last word in line 4, add these words, "or in the application to the board of commissioners for the appointment of appraisers," after the word assessments, in eighth line on page 5, add these words, "or omission or misnomer of the corporate name in the application for the appointment of appraiser."

To amend section 2, by adding at the end thereof the following: And all provisions in regard to appeals from assessments, of equalization, and all other proceedings subsequent to the assessment, provided for by the act to which this is supplemental shall apply to any and all assessments of omitted property.

To amend also by inserting as section 3 the following: That section seven of the act to which this is supplemental, be and the same is hereby amended to read as follows: "Before any such company shall be entitled to receive from the county treasurer any money collected on such assessment, the directors thereof, or a majority of the same, shall file with the county auditor, a bond to be approved by him in a sum equal to the assessment so made payable to the State of Indiana, conditioned that they will faithfully and honestly apply all moneys by them collected on such assessment, to the legitimate objects of said company, and no money collected on any assessment heretofore made, or which may hereafter be made, shall be appropriated to the payment of any debts or liabilities of such company, contracted or entered into prior to the passage of the act approved March 11th, 1867."

To also further amend, so as to call section No. 3 in the bill section 4, and to call section 4 in the bill section 5, and to amend the title of the bill as follows: by inserting in line one, between the words "to" and "an," the following: "and amendatory of," and further amend the bill by striking out the 3d section thereof, and when so amended, recommend the passage.

LERROY CAVE, Chairman.

Mr. Sarninghausen, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim of Stearns Fisher, for fifty-two dollars and fifty cents, for expenses incurred in visiting Indianapolis upon the request of the Adjutant General of Indiana, for the purpose of making up statement of pay accounts of the Indiana Legion and Minute men, for the use of the board of commissioners appointed by the President, under act of Congress approved March 29th, 1767, to adjust said accounts, the same being claim No. 28, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the claim be allowed, and that the same be referred to the committee on finance, to be incorporated in the appropriation bills.

Which report was concurred in, and the same was referred to the committee on finance.

Mr. Hooper, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim of Alfred Thompson, No. 14, for one hundred and fifty-one dollars and twenty cents, for purchase money and interest thereon, for lands purchased of the State, on account of failure of title, have had the same under advisement, and have instructed me to report the same back to the Senate and recommend that the claim be allowed, and that the same be referred to the finance committee to be incorporated in the appropriation bills.

Which report was concurred in, and the claim was referred to the committee on finance.

Mr. Carnahan, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the petition and claim of Matthew L. Brett, No. 44, for \$1,360, for \$1,000 stolen from him, or paid out by him through mistake while he was Treasurer of State, which amount of \$1,000 has been by some unknown

person handed over to the school fund, together with the sum of \$360, beg leave to say that they have had said petition and claim under consideration, that they have examined various persons thereon, and are satisfied that the statements therein contained are true, and have unanimously instructed me to report the same back to the Senate, and recommend that the claim be allowed, and that such proceedings be had herein as will enable the said Matthew L. Brett to draw the said sum of \$1,360 referred to in his said claim or petition.

M. T. CARNAHAN.

Which report was concurred in, and the claim was referred to the committee on finance.

Mr. Francisco, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim of William A. Bonham, for fifty-four dollars and sixty cents, for services in organizing the Senate, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that the claim be allowed, and that the same be referred to the committee on finance, to be incorporated in the appropriation bill.

Which report was concurred in, and the same was referred to the committee on finance.

Mr. Hess, from the committee on claims, made the following report:

MR. PRESIDENT:

A majority of your committee on claims, to whom was referred the claim of Eliza Blake, widow of James Blake, deceased, for his allowance for services and expenses as Commissioner on the part of Indiana, of the Gettysburg National Association, for the years 1867 and 1870, have had the same under consideration, and have directed me to report the same back and recommend that it be allowed.

L. W. HESS.

Which report was concurred in, and the same was referred to the committee on finance.

REPORTS FROM SELECT COMMITTEES.

Mr. Beggs, from a select committee, made the following report :

MR. PRESIDENT :

Your select committee to whom was referred Senate Bill No. 163, entitled "An act to authorize the consolidation of hydraulic companies, and to define the powers of such consolidated companies," report the same back to the Senate and recommend its passage.

Which report was concurred in.

On motion of Mr. Beggs,

The order of business was suspended, and Senate Bill No. 163 was read a second time.

Mr. Beggs moved that the constitutional rule be suspended, that Senate Bill No. 163 be considered engrossed, and read a third time now, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Beadsley,	Dwiggins,	Keigwin,
Beeson,	Francisco,	Martindale,
Beggs,	Fuller,	Miller,
Bradley,	Glessner,	Robinson,
Brown,	Gray,	Sarninghausen,
Carnahan,	Gregg,	Scott,
Case,	Henderson,	Steele,
Cave,	Hess,	Taylor,
Caven,	Hooper,	Wadge,
Collett,	Hubbard,	Wood—34.
Denbo,		

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 163 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Armstrong,	Dwiggins,	Keigwin,
Beardsley,	Francisco,	Lasselle,
Beggs,	Fuller,	Martindale,
Bradley,	Glessner,	Miller,
Brown,	Gray,	Robinson,
Carnahan,	Gregg,	Sarninghausen,
Case,	Hadley,	Scott,
Cave,	Henderson,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Denbo,	Hubbard,	Wood—36.

Mr. Beeson voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Johnson, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate Bill No. 173, entitled "An act legalizing the consolidation of the Logansport, Camden and Frankfort, the Frankfort and Crawfordsville, and the Crawfordsville and Rockville Railroad Companies, under the name of the Logansport, Crawfordsville and Southwestern Railroad Company, and the present organization of the last named company, and the proceedings of the stockholders and board of directors," have had the bill under consideration, and have directed me to report the same back and recommend its passage.

JOHNSON,
HAMILTON,
ARMSTRONG,
S. F. WOOD,
CHAS. B. LASSELLE.

On motion of Mr. Johnson,

The order of business was suspended, and Senate Bill No. 173 was read a second time.

Mr. Johnson moved that the constitutional rule be suspended, that Senate Bill No. 173 be considered engrossed, read a third time, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Hubbard,
Armstrong,	Dougherty,	Johnson,
Beardsley,	Dwiggins,	Keigwin,
Beeson,	Francisco,	Lasselle,
Beggs,	Fuller,	Martindale,
Bradley,	Glessner,	Miller,
Carnahan,	Gray,	Sarninghausen,
Case,	Gregg,	Steele,
Cave,	Hadley,	Taylor,
Caven,	Henderson,	Wadge,
Collett,	Hess,	Wood—35.
Denbo,	Hooper,	

No Senator voting in the negative.

So the constitutional rule was suspended, and

Senate Bill No. 173, "A bill legalizing the consolidation of the Logansport, Camden and Frankfort, the Frankfort and Crawfordsville, and the Crawfordsville and Rockville Railroad Companies, under the name of the Logansport, Crawfordsville and South Western Railway Company, and the present organization of the last named company, and the proceedings of its stockholders and boards of directors,"

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Armstrong,	Beardsley,
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Beeson,	Francisco,	Martindale,
Beggs,	Fuller,	Miller,
Bradley,	Glessner,	Robinson,
Case,	Gray,	Sarninghausen,
Cave,	Gregg,	Scott,
Caven,	Hadley,	Steele,
Collett,	Hess,	Taylor,
Denbo,	Hooper,	Wadge,
Dittemore,	Hubbard,	Williams,
Dougherty,	Johnson,	Wood—35.
Dwiggins,	Keigwin,	

No Senator voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Martindale moved to reconsider the vote by which the Senate passed Senate Bill No. 149.

It was agreed to.

Mr. Martindale, by unanimous consent, offered the following amendment:

Provided, That no grace shall be allowed on any bill of exchange or sight draft payable by a bank, nor on checks drawn in the usual course of business on a bank.

Which was agreed to.

Senate Bill No. 149 having been read a third time,

The question now being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Beeson,	Carnahan,
Armstrong,	Beggs,	Case,
Beardsley,	Bradley,	Cave,

Caven,	Gray,	Lasselle,
Collett,	Gregg,	Martindale,
Denbo,	Hadley,	Miller,
Dittemore,	Hess,	Robinson,
Dougherty,	Hooper,	Sarninghausen,
Dwiggins,	Hubbard,	Scott,
Francisco,	Johnson,	Steele,
Fuller,	Keigwin,	Wood—34.
Glessner,	.	

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Carnahan moved that the Senate take up Engrossed House Bill No. 79.

It was agreed to.

Engrossed House Bill No. 79. "A bill to extend the time for the completion of certain railroads, and to legalize the acts of their boards of directors."

Was read a first time.

Mr. Carnahan moved that the constitutional rule requiring bills to be read on three several days, be suspended, that the bill may be read a second time now by title.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Alsop,	Bradley,	Collett,
Armstrong,	Carnahan,	Dittemore,
Beardsley,	Case,	Dougherty,
Beeson,	Cave,	Dwiggins,
Beggs,	Caven,	Francisco,

Glessner,	Hubbard,	Robinson,
Gray,	Johnson,	Sarninghausen,
Gregg,	Keigwin,	Scott,
Hadley,	Lasselle,	Taylor,
Hess,	Martindale,	Wadge,
Hooper,	Miller,	Wood—33.

Those who voted in the negative were, Messrs.

Fuller,	Steele—2.
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So the constitutional rule was not suspended.

Mr. Beggs asked and obtained leave of absence until Tuesday next.

Mr. Lasselle asked and obtained leave of absence until 4 o'clock this evening.

Mr. Johnson, from the committee on elections, submitted the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred the contested election case, from the Senatorial District composed of the county of Allen, of Ochmig Bird *vs.* John Sarninghausen, would report that they have had the same under consideration, and that the parties to said contest moved the committee to strike out the alleged cause of said contest for insufficiency, which motion was sustained by the committee; and therefore the contestor moves the committee for consent, etc., amend his notice and causes for contest; which said motion is herewith filed, and the committee have instructed me to report said facts to the Senate for further instruction.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed Engrossed Senate Bill No. 23, entitled "A bill to constitute the Twenty-Fifth Judicial District," etc., which is herewith returned to the Senate.

Mr. Johnson moved to re-commit the report to the committee on elections, so as to allow the committee to amend if they think best.

It was agreed to.

Mr. Johnson moved to excuse Mr. Bobo from further action on the committee on elections.

It was agreed to.

Mr. Dougherty moved that Mr. Brown be added to the committee on elections.

Mr. Henderson moved to lay the motion on the table.

It was not agreed to.

Mr. Johnson moved to strike out "Brown" and insert "Glessner."

Messrs. Dougherty and Andrews demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Johnson,
Beggs,	Francisco,	Keigwin,
Bradley,	Fuller,	Lasselle,
Cave,	Gregg,	Williams—14.
Denbo,	Henderson,	

Those who voted in the negative were, Messrs.

Armstrong,	Dougherty,	Martindale,
Beardsley,	Dwiggins,	Miller,
Beeson,	Gray,	Scott,
Carnahan,	Hadley,	Steele,
Case,	Hess,	Taylor,
Caven,	Hooper,	Wood—20.
Collett,	Hubbard,	

So the motion by Mr. Johnson was not agreed to.

The question recurring on the motion by Mr. Dougherty to add the name of Mr. Brown to the committee on elections.

It was agreed to.

Mr. Bradley, from the committee on phraseology, made the following report:

MR. PRESIDENT:

The committee on phraseology arrangement of bills, to which was referred enrolled act No. 23 of the Senate, entitled "An act to constitute the Twenty-Fifth Judicial District," have instructed me to report that they have examined the same, and find it to be correctly enrolled.

Which was concurred in.

Mr. Wood moved that the Senate do now adjourn.

It was agreed to.

FRIDAY, FEBRUARY 3, 1871, 2 O'CLOCK P. M.

The Senate met.

Mr. Bradley introduced

Senate Bill No. 176. A bill conferring power upon common councils of cities to compel property owners owning lots abutting on harbors, to repair docks, and to dredge in front of such lots.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Johnson introduced

Senate Bill No. 177. A bill declaring express companies and through line companies, associations, or operation common carriers, and providing for recovery in cases of non-performance by them.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hubbard introduced

Senate Bill No. 178. A bill to authorize the construction of

levies, dykes and drains, by incorporated companies, and to repeal all former laws relating to the same subject, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Steele introduced

Senate Bill No. 179. A bill to prevent any person, or persons from hiring, or allowing minors to sell, or give away intoxicating liquors in a less quantity than a quart at a time, and providing a penalty therefor, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Green introduced

Senate Bill No. 180. A bill declaring public squares so marked on the plats of towns not specifically donated to any purpose, to be a grant for common school purposes, and authorizing school trustees, or the township trustees of such township to take possession of and erect school buildings thereon.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Glessner, from the committee on railroads, by unanimous consent, submitted the following report:

MR. PRESIDENT:

The committee on railroads, to which was referred Senate Bill No. 83, introduced by Senator Carnahan, entitled "A bill to extend the time for the completion of certain railroads, and to legalize the acts of their boards of directors," have had the same under consideration, and have directed me to report the same back, with a recommendation that it lie on the table, for the reason that there is a House bill now pending in the Senate, covering the same subject.

Which report was concurred in.

Mr. Martindale introduced

Senate Bill No. 181. "A bill relative to the salaries of certain

officers therein named, providing the manner of paying the same, and the manner of reimbursing the State therefor."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Henderson introduced

Senate Bill No. 182. A bill to amend section two of an act entitled "An act relating to the Baptist Education Society for Indiana," approved January 16, 1849.

Which was read a first time, and passed to a second reading on to-morrow.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Act No. 69 of the House, making specific appropriations for the benevolent institutions, and the same is herewith returned to the Senate for the signature of the President thereof.

Also, I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Act No. 53 of the Senate, entitled "An act to constitute the Twenty-Fifth Judicial District," and the same is herewith returned to the Senate.

Mr. Scott, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 65, entitled "A bill providing that widows after marriage a second time may convey land inherited from former husbands, and legalizing all such sales," have had the same under consideration and advisement, and have instructed me to report the same back to the Senate, and recommend its passage.

Mr. Scott made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 74, to enable voluntary societies to elect trustees in the manner agreeable to the usages of such society, have had the same under advisement, and have instructed me to report the same back to the Senate, with the recommendation that the same do pass.

Mr. Scott submitted the following:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 81, to confer upon Circuit Courts power to authorize clerks, or other persons learned in the law, to grant injunctions, etc., in certain cases, have had the same under advisement, and have instructed me to report the same back to the Senate, with the recommendation that the bill do pass.

Mr. Dittmore made the following report:

MR. PRESIDENT:

Your committee to whom was referred Senate Resolution No. 31, have instructed me to report the same back to the Senate, with the following amendment: Strike out all after the word "that" in first line, to the word "the" at the end of line three; and when so amended recommend its passage.

Mr. Green moved to lay the amendment reported by the committee upon the table.

Which was not agreed to.

The amended resolution, as reported by the committee, was then adopted.

Mr. Keigwin, from the committee on military affairs, made the following report:

MR. PRESIDENT:

I am directed by the committee on military affairs to report back the Adjutant General's report to this body, and ask that two hun-

dred copies be printed for the use of the committee and this General Assembly, and ask that the Senate concur in this report.

Which report was concurred in, and two hundred copies were ordered to be printed.

Mr. Bradley moved that Senate Bill No. 65 be taken up,

Which was agreed to, and

Senate Bill No. 65, "A bill providing that widows after marriage a second time, may convey land inherited from former husbands, and legalizing all such sales,"

Was read a second time.

Mr. Bradley moved that the constitutional rule be suspended, that Senate Bill No. 65 be considered engrossed and read a third time, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Martindale,
Andrews,	Dwiggins,	Miller,
Armstrong,	Francisco,	Robinson,
Beeson,	Fuller,	Rosebrough,
Bradley,	Green,	Scott,
Brown,	Gregg,	Steele,
Carnahan,	Hess,	Straud,
Case,	Hooper,	Taylor,
Cave,	Hubbard,	Wadge,
Caven,	Johnson,	Williams,
Collett,	Keigwin,	Wood—34.
Denbo,		

Those who voted in the negative were, Messrs.

Beardsley,	Gray,	Hadley—4.
Glessner,		

So the constitutional rule was suspended, and Senate Bill No. 65 was read a third time.

Mr. Dwiggins moved to recommit the bill, with instructions to amend the second section of the bill.

S. J.—29

Which was not agreed to.

The question recurring upon the passage of Senate Bill No. 65.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Robinson,
Armstrong,	Hess,	Rosebrough,
Beeson,	Hooper,	Scott,
Brown,	Hubbard,	Taylor,
Collett,	Martindale,	Wadge—16.
Dougherty,	Miller,	

Those who voted in the negative were, Messrs.

Alsop,	Denbo,	Hadley,
Armstrong,	Dwiggins,	Johnson,
Beardsley,	Francisco,	Keigwin,
Bradley,	Fuller,	Sarninghausen,
Carnahan,	Glessner,	Steele,
Case,	Gray,	Williams,
Cave,	Gregg,	Wood—21.
Caven,		

So the bill failed.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate that the House has passed Senate Bill No. 173, entitled "An act legalizing the consolidation of the Logansport, Camden and Frankfort; the Frankfort and Crawfordsville, and the Crawfordsville and Rockville Railroad Companies, under the name of the Logansport, Crawfordsville and Southwestern Railway Company, and the present organization of the last named company, and the proceedings of its stockholders and boards of directors." And the same is herewith returned to the Senate.

Also, I am directed by the Speaker to inform the Senate, that the House has passed the concurrent resolution in relation to the removal of the National Capital, etc., which is herewith transmitted to the Senate for its action thereon.

Mr. Brown, from the committee on election, made the following report:

MR. PRESIDENT:

The committee on election, to whom was referred the matter of contest, wherein Ochmeig Bird, contests the right of John Sarninghausen to a seat in the Forty-Seventh Session of this General Assembly, as a Senator from the county of Allen, have had the same under consideration, and the majority of the committee have instructed me to make the following report:

Your committee find the statement of contest legally sufficient, and that the same is sustained by the evidence in the case. They therefore recommend the adoption of the following resolution:

Resolved, That said John Sarninghausen is not entitled to a seat in the Forty-Seventh General Assembly of the State of Indiana, as a Senator from the county of Allen, and that the said Ochmeig Bird is entitled to said seat as a Senator from said county of Allen, and that the oath of office be now administered to him.

Jason B. Brown, A. Steele, H. D. Scott, A. S. Case, W. E. Dittmore, Mr. Johnson, dissents from the majority of the committee.

Mr. Glessner moved to postpone the report, and make it the special order for Thursday next, at two o'clock P. M.

Mr. Brown moved to lay the motion to postpone, upon the table.

The ayes and noes were demanded by Messrs. Glessner and Rosebrough.

The question being upon the motion to lay upon the table.

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Hess,
Beardsley,	Dwiggins,	Hubbard,
Beeson,	Elliott,	Martindale,
Brown,	Francisco,	Miller,
Case,	Gray,	Scott,
Caven,	Green,	Steele,
Collett,	Hadley,	Taylor—21.

Those who voted in the negative were, Messrs.

Alsop,	Denbo,	Keigwin,
Armstrong,	Fuller,	Robinson,
Beardsley,	Gregg,	Rosebrough,
Carnahan,	Henderson,	Wadge,
Cave,	Johnson,	Williams—15.

So the motion to lie upon the table prevailed.

Mr. Steele demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being upon concurring in the report, and the adoption of the resolution reported by the committee.

Messrs. Alsop and Johnson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Dittemore,	Hess,
Beardsley,	Dougherty,	Hubbard,
Beeson,	Dwiggins,	Martindale,
Brown,	Elliott,	Miller,
Case,	Francisco,	Scott,
Caven,	Gray,	Steele,
Collett,	Green,	Taylor—21.

Those who voted in the negative were, Messrs.

Alsop,	Fuller,	Keigwin,
Armstrong,	Glessner,	Robinson,
Bradley,	Gregg,	Rosebrough,
Carnahan,	Hadley,	Wadge,
Case,	Henderson,	Williams—17.
Denbo,	Johnson,	

So the report was concurred in, and the resolution was adopted.

Mr. Brown moved to reconsider the vote just taken, and moved to lay that motion upon the table.

Messrs. Glessner and Alsop demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Dittemore,	Hess,
Beardsley,	Dougherty,	Hubbard,
Beeson,	Dwiggins,	Martindale,
Brown,	Elliott,	Miller,
Case,	Francisco,	Scott,
Caven,	Gray,	Steele,
Collett,	Green,	Taylor—21.

Those who voted in the negative were, Messrs.

Alsop,	Fuller,	Keigwin,
Armstrong,	Glessner,	Robinson,
Beardsley,	Gregg,	Rosebrough,
Carnahan,	Hadley,	Wadge,
Cave,	Henderson,	Williams—17.
Denbo,	Johnson,	

So the motion prevailed.

Mr. Bird appeared in the Senate Chamber, and was sworn in as Senator from the county of Allen, by the President of the Senate.

Mr. Dwiggins moved to suspend the constitutional rule requiring bills to be read on three several days, that House Bill No. 173 may be read a second time by title and referred.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Alsop,	Bird,	Denbo,
Andrews,	Bradley,	Dougherty,
Armstrong,	Case,	Dwiggins,
Beardsley,	Caven,	Elliott,
Beeson,	Collett,	Glessner,

Gray,	Hubbard,	Rosebrough,
Green,	Keigwin,	Scott,
Gregg,	Martindale,	Steele,
Hadley,	Miller,	Taylor,
Hess,	Robinson,	Wadge—31.
Hooper,		

Those who voted in the negative were, Messrs.

Carnahan,	Francisco,	Johnson—5.
Cave,	Fuller,	

No quorum voting.

Mr. Fuller moved that the Senate do now adjourn.

One-tenth of the Senators seconding the demand.

The ayes and noes were taken.

Those who voted in the affirmative were, Messrs.

Alsop,	Caven,	Hess,
Andrews,	Collett,	Hubbard,
Armstrong,	Dwiggins,	Robinson,
Beeson,	Green,	Wadge—14.
Case,	Hadley,	

Those who voted in the negative were, Messrs.

Bradley,	Fuller,	Keigwin,
Beardsley,	Glessner,	Martindale,
Carnahan,	Gray,	Miller,
Cave,	Gregg,	Rosebrough,
Denbo,	Henderson,	Steele,
Dougherty,	Hooper,	Taylor—20.
Francisco,	Johnson,	

So the motion did not prevail.

Mr. Dwiggins moved to suspend the regular order of business, for the purpose of offering a resolution.

It was agreed to.

Mr. Beeson offered the following resolution :

Resolved, That when the Senate adjourn, it adjourn until Monday next at 2 o'clock P. M.

The question being on the adoption of the resolution.

Messrs. Fuller and Alsop demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Johnson,
Armstrong,	Francisco,	Keigwin,
Beardsley,	Glessner,	Miller,
Beeson,	Gray,	Robinson,
Bradley,	Gregg,	Rosebrough,
Brown,	Hadley,	Steele,
Cave,	Henderson,	Straud,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wadge—26.
Dougherty,		

Those who voted in the negative were, Messrs.

Alsop,	Denbo,	Hess,
Carnahan,	Fuller,	Martindale—8.
Case,	Green,	

So the resolution was adopted.

Mr. Dembo moved that the Senate do now adjourn.

It was agreed to.

MONDAY AFTERNOON.

FEBRUARY 6, 1871, 2 O'CLOCK, P. M.

The Senate met.

Prayer by Rev. G. M. Crawford, of Trinity M. E. Church of Indianapolis.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Bradley presented two petitions from the citizens of Laport county, asking the repeal of a law to authorize and encourage the construction of levies, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject.

Which was,

On motion,

Referred to the committee on corporations.

Mr. Taylor presented two petitions from sundry citizens of Tippecanoe county, asking the enactment of a law to suppress the sale of intoxicating liquors as a beverage.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Dwiggin presented the petition of sundry citizens of White county, asking for a law to suppress the sale of intoxicating liquors as a beverage.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Armstrong presented a petition from sundry citizens of Carroll county, asking for a law to suppress the sale of intoxicating liquors as a beverage.

Which was,
 On motion,
 Referred to the committee on temperance.

Mr. Steele presented three petitions from sundry citizens of Grant county, asking a law to suppress the sale of intoxicating liquors as a beverage.

Which was,
 On motion,
 Referred to the committee on temperance.

Mr. Collett presented two petitions from sundry citizens of Vermillion county, asking for a repeal of the divorce laws.

Which was,
 On motion,
 Referred to the committee on the rights and privileges of the inhabitants of the State.

Mr. Collett presented a petition from the citizens of the State, asking the creation of a board of supervisors to inspect and watch over the condition of the prisons, reformatories, and benevolent institutions belonging to the State, and to pass a law for the improvement of county jails, whereby the inmates shall be required to work for their own support, and also to take initiatory steps, at the present session, for the erection of an intermediate State Prison for younger and less hardened criminals.

Which was,
 On motion,
 Referred to the committee on benevolent institutions.

Mr. Fuller asked and obtained leave of absence for Mr. Dittmore for to-day.

REPORTS FROM STANDING COMMITTEES.

Mr. Caven, from the judiciary committee, submitted the following report:

MR. PRESIDENT:

The Senate judiciary committee, to whom was referred Senate Bill No. 53, entitled "A bill to authorize trustees to sell real estate,

and to invest the proceeds of sales for the benefit of their *cestui qui trusts*," report that they have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Bradley moved that the constitutional rule requiring bills to be read on three several days be suspended, that Senate Bill No. 53 may be read a second and third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Denbo,	Johnson,
Armstrong,	Dwiggins,	Lasselle,
Beardsley,	Elliott,	Martindale,
Beeson,	Fuller,	Miller,
Bradley,	Green,	Robinson,
Bird,	Gregg,	Scott,
Carnahan,	Hadley,	Steele,
Case,	Henderson,	Taylor,
Cave,	Hess,	Wadge,
Caven,	Hooper,	Williams—32.
Collett,	Hubbard,	

No Senator voting in the negative.

A quorum not responding,

The President ordered a call of the Senate.

The Secretary proceeded to call the roll.

Those answering to their names were, Messrs.

Andrews,	Case,	Fuller,
Armstrong,	Cave,	Green,
Beardsley,	Caven,	Gregg,
Beeson,	Collett,	Hadley,
Bradley,	Denbo,	Henderson,
Bird,	Dwiggins,	Hess,
Carnahan,	Elliott,	Hooper,

Hubbard,	Miller,	Taylor,
Johnson,	Robinson,	Wadge,
Lasselle,	Scott,	Williams—32.
Martindale,	Steele,	

The following Senators were absent without leave, Messrs.

Brown,	Keigwin,	Rosebrough—4.
Francisco,		

Messrs. Alsop, Glessner and Gray were excused for the remainder of the day.

Mr. Williams moved that the further proceedings under the call be dispensed with.

Mr. Dwiggins moved to lay the motion on the table.

Messrs. Williams and Henderson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Hadley,	Robinson,
Beeson,	Hess,	Scott,
Case,	Hooper,	Steele,
Caven,	Hubbard,	Taylor,
Collett,	Martindale,	Wadge—19.
Dwiggins,		

Those who voted in the negative were, Messrs.

Armstrong,	Denbo,	Henderson,
Bradley,	Elliott,	Johnson,
Bird,	Fuller,	Lasselle,
Carnahan,	Gregg,	Williams—13.
Cave,		

So the motion to lay on the table prevailed.

Mr. Green moved that the absentees be sent for.

Which was agreed to, and warrants were issued for Senators Keigwin, Rosebrough and Francisco—Mr. Brown appearing before the warrants were issued.

Mr. Cave moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Fuller moved that the Senate adjourn.

Which was not agreed to.

Mr. Hadley moved the Senate do now adjourn.

Which was agreed to.

TUESDAY MORNING.

FEBRUARY 7, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. J. L. Bennett, of Plymouth Congregational Church, of Indianapolis.

The Journal of yesterday was read and approved.

Message from the House, by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate, that he has signed enrolled Senate Act No. 145, entitled "An act fixing the times of holding courts in the Twelfth Judicial Circuit, repealing all laws in conflict therewith, and declaring an emergency," and the same is herewith returned to the Senate.

REPORTS FROM STANDING COMMITTEES.

Mr. Bradley, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred Senate Bill No. 55, entitled a bill to amend section 2 of an act entitled "An act relating to the redemption of real property," have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the bill do pass.

Mr. Bradley, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred Senate Bill No. 57, a bill authorizing and empowering the clerk of the Circuit Court, and the Court of Common Pleas, to grant restraining orders, and temporary injunctions, providing the mode by which they may be dissolved or modified, authorizing and empowering the judge of the Circuit Court to hear and determine applications in cases pending in the Court of Common Pleas, and authorizing and empowering the judge of the Court of Common Pleas to hear and determine like cases pending in the Circuit Court, have had the same under consideration, and have instructed me to report the said bill back to the Senate, with the recommendation that it do lie upon the table, inasmuch as that the provisions of said bill are incorporated in another bill heretofore favorably reported to the Senate.

Which was concurred in.

Mr. Caven, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 96, a bill to further define the offense of bribery, and to prescribe punishment therefor, report that they have had the same under consideration, and recommend that it lie on the table for the reason that Senate Bill No. 21, which has already passed this Senate, makes ample provision for the same subject matter.

Which was concurred in.

Mr. Caven submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 108, entitled "An act defining bribery, and prescribing a punishment therefor, and repealing all laws in conflict therewith," report that they have had the same under consideration, and recommend that the same lie upon the table, for the reason that Senate Bill No. 21, which has already passed the Senate, makes ample provision for the same subject matter.

Which was concurred in.

Mr. Caven, from the judiciary committee, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred Senate Bill No. 110, an act to amend section 58 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," report that they have had the same under consideration, and recommend that the same do pass.

Mr. Caven, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 137, entitled "A bill to provide for new trials in cases of persons convicted of felony and homicide, where the defense is insanity, and for committing such person to the insane asylum under the order of the judge," report that they have had the same under consideration, and recommend that the same do lie upon the table.

Which was concurred in.

Mr. Caven, from the judiciary committee, submitted the following report:

MR. PRESIDENT:

The Senate judiciary committee, to whom was referred the petition of Samuel T. Lindley, and other citizens of Orange county, relative to a change in the divorce law, report that they have had the same under consideration, and recommend that the same do lie upon the table, for the reason that the Senate has already passed a bill on that subject.

Which was concurred in.

Mr. Caven, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a communication from the Governor of the State, of date January 18, 1871, and containing a communication from the Department of State at Washington, and also a communication from Carl A. G. Adae, Consul of Bavaria, and soliciting such legislation by this State as will permit subjects of the kingdom of Bavaria and of the French Empire to hold and possess real and personal property in this State, report that they have had the same under consideration, and find that an act passed March 9, 1861, provides all the legislation that is necessary on this subject, or sought for by the communicants aforesaid; and they therefore recommend that said communication be referred back to the Governor, directing his attention to such existing legislation, and requesting him to communicate such information to the Department of State at Washington, and also to the Bavarian Consul at Cincinnati.

Which was concurred in.

Mr. Caven, from the judiciary committee, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 99, entitled "A bill in relation to the taking, holding, conveying and transmitting of real estate by aliens," report that they have had the same under consideration, and recommend that the same lie upon the table, for the reason that an act approved March 9, 1861, to be found upon page 5 of the acts of that year, contains all the legislation required upon the subject.

Which was concurred in.

Mr. Scott, from the judiciary committee, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred Senate Bill No. 27, on the subject of appeals to the Supreme Court, have had the same under advisement, and have instructed me to report the same

back to the Senate, with the recommendation that the old section be stricken out, and on such amendment being made that said bill do pass.

Mr. Scott, from the judiciary committee, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 133, entitled "An act declaring any person who is in the habit of becoming intoxicated ineligible to hold any office of public trust, prescribing the duty of county commissioners and Judges of the Supreme Court in such cases, and making it a misdemeanor for any one to sell or give any intoxicating drinks, except cider, to any one who is an habitual drunkard, prescribing punishment therefor, and declaring an emergency," have had the same under advisement, and have instructed me to report that the bill is defective in form and detail, and does not provide against an abuse of so unlimited a power as the bill confers; nor does it provide for any hearing on the part of the officer offending, or even notice. Said committee believe the purpose of said bill to be correct and eminently proper, but said bill requires more preparation in detail than they feel warranted in providing. Said committee, therefore, recommend that the bill do lie upon the table.

Which was concurred in.

Mr. Bradley, from the committee on the judiciary, submitted the following report.

MR. PRESIDENT:

The committee on the judiciary to which was referred Senate Bill No. 139, entitled a bill to amend section one hundred and thirty-five of an act entitled "An act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend its passage.

Mr. Bradley, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred Senate Bill No. 143, entitled "An act to amend section 311 of the practice act in civil cases," have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the said bill do pass.

Mr. Bradley, from the committee on the judiciary, made the following report.

MR. PRESIDENT:

The committee on the judiciary, to which was referred Senate Bill No. 159, entitled "An act to repeal all general laws now in force for the incorporation of cities," have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do lie upon the table.

Which was concurred in.

Mr. Williams, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred Senate Bill No. 59, an act fixing the rate of interest on money, and repealing all laws in conflict therewith, and declaring an emergency, have had the same under consideration, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Williams, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred communication (No. 14) of Samuel A. Verbrike, in relation to the Butler bill, have

had the same under consideration, and recommend that it lie on the table.

Which was concurred in.

Mr. Green, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 117, a bill to authorize and empower cities now incorporated under an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867, and now owning real estate, to sell and convey the same, in whole, or in parcels, as the common council of such city may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency, beg leave to report that they have had the same under consideration, and a majority of said committee have directed me to report the following as a substitute therefor: strike out all after the enacting clause, and insert the following:

SECTION 1. That any city or cities incorporated under any general law of this State for the incorporation of cities, and owning real estate, shall have power to alien, sell and convey such real estate, in whole, or in parcels, as the common councils of such city or cities may deem expedient.

SEC. 2. Such alienation, sale and conveyance shall be made by the common council of such city or cities by a vote of two-thirds of all the members of such common council. When any alienation and sale shall be made by such common council, they shall order and direct the mayor of such city to execute and deliver a deed of conveyance to the purchaser, which shall be in the usual form and shall be executed in the name of such city, and signed by the mayor in his official capacity and sealed with the seal of the city, and when thus executed, sealed, acknowledged and delivered, shall convey all the right, title and interest of the city in and to the premises so conveyed.

SEC. 3. As there is no law now authorizing cities so organized to sell and convey real estate, it is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

And when so amended the committee would recommend its passage.

Mr. Carnahan, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 68, an act to amend the 69th section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their power and rights, and the manner in which they shall exercise the same, and to regulate such other matters as pertain thereto," approved March 4th, 1867, have had the same under consideration, and a majority thereof have directed me to report back the same, and recommend its passage.

Mr. Hubbard, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill 157, a bill to authorize railroad companies to construct branch lines of their road, and to lease or grant the right of way over their road to any other railroad company whose road may intersect the same, have had the same under consideration, and have directed me to report the same back to the Senate, recommending that the same be referred to the committee on railroads.

Which report was concurred in, and Senate Bill No. 157 was referred to the committee on railroads.

Mr. Cave, from the committee on roads, submitted the following report:

MR. PRESIDENT:

Your committee on roads, to whom was referred Senate Bill No.

151, (introduced by Mr. Glessner,) being "An act to legalize certain acts of corporations, organized or attempted to be organized under and by virtue of an act entitled an act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852, and acts supplemental thereto, have had the same under consideration, and have directed me to report the same back to the Senate, with a recommendation that the same do pass.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the following resolution, to wit:

Resolved, That this Hall be, and the same is hereby tendered to the committee recently appointed by the State Temperance Alliance, in convention assembled, in this city, for the purpose of presenting a memorial to the Legislature on the subject of Temperance, on Tuesday, the 7th day of February, at 7½ o'clock P. M.; and that the Senate be and are hereby invited to attend in the Hall, at the time named, and that seats be provided for them on the right of the Speaker's stand.

Also, I am directed by the Speaker of the House to inform the Senate that the House has passed Senate Engrossed Bill No. 21, entitled an act to amend section 39 of an act entitled "An act defining felonies and prescribing punishment therefor," and the same is herewith transmitted to the Senate.

Also, I am directed by the Speaker of the House to inform the Senate that the House has passed Senate Concurrent Resolution, in relation to the modification of the tariff act, with the following amendment thereto: Amend by adding "sole leather, coal, pig iron, and Bessemer steel;" in which amendment of the House the concurrence of the Senate is requested.

Be it resolved by the Senate (the House of Representatives concurring,) That our Senators and Representatives in Congress are hereby requested to vote and use their influence to have the tariff act so modified as to place the prime articles of necessity, including tea, coffee, sugar and salt on the free list.

Resolved, That the Governor is hereby requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Mr. Johnson, from the committee on agriculture, submitted the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred the petition of William Cox and others, asking that the game law, approved in 1867, so that it will be unlawful to trap quails at any season of the year, have had the same under consideration, and recommend that it lie on the table.

Which report was concurred in, and the petition laid on the table.

Mr. Carnahan, from the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 138, a bill to amend section 22 of an act entitled "An act concerning inclosures, trespassing animals," approved June 4, 1852, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

Mr. Beeson moved that the regular order of business be suspended that the Senate may take up concurrent resolution of the House, in relation to temperance meeting to be held in the Hall of the House of Representatives.

It was agreed to, and the resolution was concurred in by the Senate.

Mr. Brown moved that the Senator from Jasper county (Mr. Dwiggin) be placed on the committee on temperance, in place of Mr. Sarninghausen.

It was agreed to.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed House Bill No. 265, entitled a bill to amend an act entitled "An act prescribing the duties of, and fixing the compensation of State Agent," approved June 17, 1852, and the same is herewith transmitted for the action of the Senate.

Mr. Dwiggins moved that the order of business be suspended that a resolution might be offered.

Which was agreed to.

Mr. Martindale offered the following concurrent resolution:

Be it resolved by the Senate (the House of Representatives concurring,) That the Joint Convention of the two houses fixed for Wednesday, February 8, 1871, at 2½ o'clock P. M., for the election of Agent of State, be and the same is hereby postponed until Wednesday, February 22, 1871, at 2 o'clock P. M., at which time said convention shall convene, unless the office of Agent of State is before that time abolished by law.

Mr. Dwiggins offered the following as a substitute:

WHEREAS, In the opinion of this General Assembly, there is no necessity for the further continuance of the office of Agent of State; that the further continuance of said office will be a useless expense to the State; and,

WHEREAS, On the twelfth day of January, 1871, that being the seventh day of the present session of this General Assembly, a bill was introduced in this Senate, providing among other thing for the abolition of the office of Agent of State; and,

WHEREAS, On the eighth day of the present session, said bill was referred to the committee on the judiciary; and,

WHEREAS, Said committee not having made any report on said bill, the Senate by resolution did on the 2d day of February, request said committee to make a report on said bill on or before February 6th, and said bill by order of the Senate was made the special order for half past two o'clock on Monday, February 6th; and,

WHEREAS, Said committee have not made any report on said bill; and,

WHEREAS, There was no quorum present in the Senate on Monday, January 6th, to take action upon said bill, or to compel a report from said committee; and,

WHEREAS, On the 12th day of January, 1871, the Senate and House of Representatives passed a concurrent resolution fixing the time for the election of Agent of State on Wednesday, February 8th, unless said office should be abolished before that time; and,

WHEREAS, By reason of the facts hereinbefore stated, the Senate has not had sufficient time to pass upon said bill abolishing said office of Agent of State; therefore,

Resolved, By the Senate, the House of Representatives concurring, that the time for holding the joint convention of the two bodies for the election of Agent of State, be postponed two weeks, and that the time for holding said convention be fixed for Wednesday, at 2½ o'clock on the 22d day of February, 1871, unless said office shall before that time be abolished.

Mr. Dwiggins moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the substitute offered by Mr. Dwiggins.

It was agreed to, and the resolution as amended by the substitute was adopted.

SPECIAL ORDER.

The hour having arrived for the consideration of Senate Bills No. 3 and 4, the same was taken up.

Mr. Steele moved that the same be postponed, and made the special order for to-morrow, (Wednesday,) at 1½ o'clock, and be considered in the committee of the whole.

It was agreed to.

Mr. Bradley, from the committee on phraseology, arrangement of bills and enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred enrolled act No. 173 of the Senate, have had the same under consideration, and have instructed me to report that they find the same to be correctly and properly enrolled.

Which report was concurred in.

Mr. Miller moved that the regular order of business be suspended that the Senate may take up engrossed House Bill No. 177.

It was agreed to.

Engrossed House Bill No. 177. A bill defining what counties shall constitute the Twenty-First Common Pleas District, and to fix the times of holding the courts therein, and repealing all laws inconsistent therewith.

Was read a first time.

Mr. Miller moved that the constitutional rule requiring bills to be read on three several days, be suspended, that the bill may be read a second time by title now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Francisco,	Martindale,
Armstrong,	Fuller,	Miller,
Beardsley,	Green,	Morgan,
Beeson,	Gregg,	Robinson,
Bradley,	Hadley,	Rosebrough,
Bird,	Henderson,	Scott,
Carnahan,	Hess,	Steele,
Case,	Hooper,	Taylor,
Caven,	Hubbard,	Wadge,
Collett,	Johnson,	Williams,
Dittemore,	Lasselle,	Wood—34.
Dwiggins,		

Those who voted in the negative were, Messrs.

Brown,
Cave,

Dougherty,

Rosebrough—4.

So the constitutional rule was suspended, and Senate Bill No. 177 was read a second time by title and referred to the committee on the organization of courts.

Mr. Hadley, from the committee on education, submitted the following report:

MR. PRESIDENT:

Your committee on education, to whom was referred Senate Bill No. 16, a bill to amend Sec. 3 of an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for erection of such buildings, and authorizing the levy and collection of additional special school tax for the payment of principal and interest of such bonds," have had the same under consideration, and directed me to report the same back to the Senate, with a recommendation that it lie upon the table, for the reason that the same subject is embraced in Senate Bill No. 60, the passage of which has been recommended by the committee.

Which report was concurred in, and Senate Bill No. 16 was laid on the table.

Mr. Johnson, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred Senate Bill No. 46, entitled "An act to encourage the destruction of foxes and wild cats," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

Mr. Johnson, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred Senate Bill No. 76, a bill to amend section 2 of an act entitled "An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency," approved March 11th, 1867, have had the same under consideration, and recommend that it lie on the table.

Which report was concurred in.

Mr. Francisco, by consent, presented a petition from the citizens of Jefferson county, asking the General Assembly not to pass any law, or laws, either local or general, to legalize in any manner the assessments made by any gravel, plank or macadamized road company.

Which was,

On motion,

Referred to the committee on roads.

Mr. Francisco, by consent, presented a petition from sundry citizens of Jefferson county, asking that the statute be so amended as to make it a penal offense for any person over the age of sixteen and under twenty-one years to purchase intoxicating liquors.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Hubbard, from a special committee, made the following report:

MR. PRESIDENT:

Your special committee, to whom was referred Senate Bill No. 158, an act to amend section 17 of an act fixing the time of holding Common Pleas Courts, would respectfully report that they have had the same under consideration, and recommend that the following amendments be made in said bill: insert after the words "in the county of Laporte on the Mondays succeeding the courts in the county of St. Joseph" the following words: "except at the May

term thereof, when it shall be on the second Monday succeeding the said May term in St. Joseph county," and that after the adoption of said amendments your committee would respectfully recommend its passage.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed Senate Bill No. 175, entitled "An act to fix the times of holding the Common Pleas Courts in the county of Decatur, and repealing all laws in conflict therewith," which is herewith transmitted to the Senate.

Mr. Denbo made the following report:

MR. PRESIDENT:

The committee on employes and their duties, to whom was referred the request of the President of the Senate on Friday last, that said committee give their opinion of the act passed at the present session appropriating one hundred thousand dollars to pay the expenses of the present session of this General Assembly, in reference to whether said act gives to all the appointees of the Doorkeeper of the Senate five dollars per day each, and whether said act allows all the appointees of the Doorkeeper of the Senate to be Assistant Doorkeepers, have had the same under consideration, and I am instructed by said committee to report the same back to the Senate for the Senate to instruct the committee what is meant by the above act, the committee being unable to agree in their opinions what said act contemplates.

Mr. Brown moved to refer the whole matter to the committee on the judiciary.

Which was agreed to.

RESOLUTIONS.

Mr. Morgan offered the following:

Resolved, That the Secretary be and is hereby directed to have

printed three hundred copies of the report of the President and Directors of the Reformatory Institution for Women and Girls.

Which was adopted.

Mr. Martindale offered the following:

Resolved by the Senate, That the committee on emigration, to whom was referred the joint resolution introduced by Senator Martindale, (Senate Joint Resolution No. 5), instructing our Senators and requesting our Representatives in Congress to use their votes and influence to procure the passage of a law by Congress abolishing the *per capita* head tax upon immigrants to the United States, are hereby instructed to report said resolution to the Senate by Wednesday, February 8, 1871, at 10½ o'clock A. M.

Which was adopted.

Mr. Cave offered the following:

Resolved, That the committee on employes be and they are hereby instructed to inquire and report to the Senate how many persons the Senate committees now have employed, and what business each is engaged in; and, also, report how many in their opinion can be dispensed with.

Which was adopted.

Message from the House, by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the Speaker of the House has signed enrolled act No. 175 of the Senate, entitled "An act fixing the time of holding the Common Pleas Courts in the county of Decatur, and repealing all laws inconsistent therewith," and the same is herewith returned to the Senate.

Mr. Johnson moved that the Senator from Allen (Mr. Bird) take the place of Mr. Sarninghausen on all committees except the committee on temperance.

Which was agreed to.

INTRODUCTION OF BILLS.

Mr. Williams introduced

Senate Bill No. 183. Entitled a bill to amend the 108th section of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beeson introduced

Senate Bill No. 184. Entitled a bill to give the right of action for injuries in certain cases.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wood introduced

Senate Bill No. 185. Entitled a bill declaring the true intent and meaning of an act to authorize aid to the construction of railroads by counties and townships, taking stock in, and making donations to railroad companies, approved May 12, 1869, and legalizing certain elections held under said act.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Gregg introduced

Senate Bill No. 186. Entitled a bill to regulate the running of locomotives through incorporated cities and towns, and prescribing penalties for the violation thereof.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Brown introduced

Senate Bill No. 187. Entitled a bill to prescribe and regulate

the service of process upon railroad companies whose principal office is not within the State, repealing conflicting laws, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Dwiggins introduced

Senate Bill No. 188. Entitled a bill defining certain felonies, prescribing the punishment therefor, repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Armstrong introduced

Senate Bill No. 189. Entitled a bill to regulate the granting of marriage licenses, and directing clerks of the circuit courts to transfer all books and papers pertaining thereto to the office of recorder.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Morgan introduced

Senate Bill No. 190. Entitled a bill to create the Judicial Circuit of the State of Indiana, and fixing the time of holding courts therein.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Martindale introduced

Senate Bill No. 191. Entitled a bill relating to the construction of a new State House, and to acquiring title to that part of square 48, in the city of Indianapolis, not owned by the State.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Gray moved that the order of business be suspended, that Senate Bill No. 35 be taken up.

Which was agreed to.

Senate Bill No. 35. An act to amend the 207th section of "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Lasselle,
Armstrong,	Francisco,	Martindale,
Beeson,	Fuller,	Miller,
Bird,	Gray,	Morgan,
Carnahan,	Green,	Robinson,
Case,	Hadley,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hubbard,	Wadge,
Dougherty,	Johnson,	Williams—29.
Dwiggins,	Keigwin,	

Those who voted in the negative were, Messrs.

Bradley,	Hooper,	Scott,
Denbo,	Rosebrough,	Wood—7.
Gregg,		

So the bill passed.

The question being, shall the title read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Martindale moved that when the Senate meets at 2 o'clock, the order of business shall be bills on the third reading.

Which was agreed to.

On motion by Mr. Green,
The Senate adjourned.

TUESDAY AFTERNOON, 2 O'CLOCK.

The Senate met.

SENATE BILLS ON THIRD READING.

Mr. Carnahan, by unanimous consent, presented a claim.

Which was,

On motion,

Referred to the committee on claims without reading.

Mr. Hooper, by unanimous consent, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate Resolution No. 10, inquiring what legislation is necessary to enable the county treasurers to collect the delinquent taxes, have had the same under consideration, and directed me to report the same back to the Senate, and recommend that it lie on the table, as further legislation on the subject is unnecessary.

Mr. Bradley, by unanimous consent, submitted the following report:

MR. PRESIDENT:

The committee on phraseology, arrangement of bills, and enrolled bills, to which was referred Enrolled Act No. 175, of the Senate, entitled "An act to fix the time of holding the common pleas courts in the county of Decatur, and repealing all laws inconsistent therewith," respectfully report that they have examined the said act, and find the same to be correctly enrolled.

Which was concurred in.

Mr. Martindale moved to reconsider the vote by which House Bill No. 58 was ordered to be engrossed.

Which was agreed to.

Mr. Andrews moved to reconsider the vote by which the amendment was adopted.

Messrs. Rosebrough and Johnson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Morgan,
Beeson,	Gregg,	Robinson,
Bird,	Hadley,	Scott,
Case,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wadge,
Dwiggins,	Johnson,	Williams,
Francisco,	Martindale,	Wood—27.

Those who voted in the negative were, Messrs.

Armstrong,	Cave,	Glessner,
Bradley,	Denbo,	Henderson,
Brown,	Dougherty,	Rosebrough—11.
Carnahan,	Fuller,	

So the motion to reconsider prevailed.

Mr. Martindale offered the following as a substitute for the amendment:

Amend by striking out the words "one thousand," in line 3, section 29, and insert "eight hundred and thirty-three" in place thereof.

Also, amend by striking out the words "two thousand," in line 6, section 29, and insert the words "sixteen hundred and sixty-seven" in place thereof.

Also, by striking out the word "two," in line 10, section 1, and insert the word "one" in place thereof; and strike out the word "one," in line 13, section 1, and insert the word "two" in place thereof.

The question being on the adoption of the substitute.

Messrs. Johnson and Glessner demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Morgan,
Beardsley,	Gregg,	Robinson,
Beeson,	Hadley,	Scott,
Case,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wadge,
Dwiggins,	Martindale,	Wood—23.
Gray,	Miller,	

Those who voted in the negative were, Messrs.

Armstrong,	Denbo,	Glessner,
Bradley,	Dougherty,	Henderson,
Brown,	Elliott,	Johnson,
Bird,	Francisco,	Rosebrough,
Carnahan,	Fuller,	Williams—16.
Cave,		

So the substitute was adopted.

The question being on the amendment as amended by the substitute.

Messrs. Johnson and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Miller,
Beardsley,	Gray,	Morgan,
Beeson,	Green,	Robinson,
Bradley,	Gregg,	Scott,
Brown,	Hadley,	Steele,
Case,	Hess,	Taylor,
Caven,	Hooper,	Wadge,
Collett,	Hubbard,	Wood—26.
Dwiggins,	Martindale,	

Those who voted in the negative were, Messrs.

Armstrong,	Carnahan,	Denbo,
Bird,	Cave,	Dougherty,

Francisco,	Henderson,	Rosebrough,
Fuller,	Johnson,	Williams—13.
Glessner,		

So the amendment as amended was adopted.

Mr. Martindale moved that the constitutional rules, requiring bills to be read on three several days, be suspended, that the bill may be read a third time.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Miller,
Armstrong,	Gray,	Morgan,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Bradley,	Hess,	Steele,
Brown,	Hooper,	Taylor,
Case,	Hubbard,	Wadge,
Caven,	Lasselle,	Williams,
Collett,	Martindale,	Wood—28.
Dwiggins,		

Those who voted in the negative were, Messrs.

Bird,	Dougherty,	Henderson,
Carnahan,	Francisco,	Johnson,
Cave,	Fuller,	Keigwin,
Denbo,	Glessner,	Rosebrough—14.
Dittemore,	Gregg,	

So the rule was not suspended.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Act No. 173.

And the same is herewith returned to the Senate.

Also, I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 237, entitled "An act to provide the mode in which vacancies in the board of trustees of the University of the State of Indiana shall be filled, repealing all laws, and parts of laws, in conflict therewith," and declaring an emergency.

And the same is herewith transmitted to the Senate.

Engrossed House Bill No. 2. A bill to amend sections four and six of an act entitled "An act prescribing the powers and duties of coroners," approved May 27, 1852, and providing for an emergency.

Was read a third time.

Mr. Green moved to strike out the amended section.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Lasselle,
Armstrong,	Francisco,	Martindale,
Beardsley,	Fuller,	Miller,
Beeson,	Glessner,	Morgan,
Bradley,	Gray,	Robinson,
Brown,	Green,	Rosebrough,
Case,	Gregg,	Scott,
Cave,	Henderson,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Denbo,	Hubbard,	Williams,
Dougherty,	Johnson,	Wood—38.
Dwiggins,	Keigwin,	

Those who voted in the negative were, Messrs.

Bird,	Carnahan,	Hadley—3.
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So the bill passed.

The question being, shall the title read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed House Bill No. 11. A bill fixing the beginning of the terms of the courts of common pleas in the county of Dearborn, in the Fifth Judicial District.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Johnson,
Armstrong,	Dwiggins,	Keigwin,
Beardsley,	Elliott,	Lasselle,
Beeson,	Franciseo,	Martindale,
Bradley,	Fuller,	Miller,
Brown,	Glessner,	Morgan,
Bird,	Gray,	Robinson,
Carnahan,	Green,	Rosebrough,
Case,	Gregg,	Scott,
Cave,	Hadley,	Steele,
Caven,	Henderson,	Taylor,
Collett,	Hess,	Wadge,
Denbo,	Hooper,	Williams,
Dittemore,	Hubbard,	Wood—42.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate Bill No. 10. Entitled a bill to amend section one of an act entitled "An act to amend section forty-three of an act

entitled 'An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement,' approved February 19, 1869.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Lasselle,
Beardsley,	Elliott,	Martindale,
Beeson,	Francisco,	Miller,
Bradley,	Glessner,	Morgan,
Brown,	Gray,	Robinson,
Bird,	Green,	Rosebrough,
Carnahan,	Gregg,	Scott,
Case,	Hadley,	Steele,
Cave,	Henderson,	Taylor,
Caven,	Hess,	Wadge,
Denbo,	Hooper,	Williams,
Dittemore,	Hubbard,	Wood—38.
Dougherty,	Keigwin,	

Those who voted in the negative were, Messrs.

Armstrong,	Fuller,	Johnson—4.
Collett,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate Bill No. 2. An act to prevent hunting or shooting within inclosures without the consent of the owner thereof, and fixing a penalty therefor, and to prevent trespassing upon inclosed lands.

Was read a third time.

Mr. Glessner moved to recommit the bill, with instructions to strike out all after the enacting clause, and insert the following, to wit:

SECTION 1. That it shall be unlawful for any person or persons to enter upon the inclosed lands of another with a gun or other fire-arms, for the purpose of hunting or shooting game thereof, without first obtaining the consent of the owner thereof: *Provided, however,* that this section shall not apply to *bona fide* residents of the county in which such lands are situated.

SEC. 2. Any person violating the first section of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding twenty-five dollars for each offense.

SEC. 3. That whenever any person shall enter upon the inclosed lands of another for the purpose of hunting with dog, gun, or other fire arms, or either of the same, with or without the consent of the owner of said real estate, and while so engaged in hunting thereon, shall commit any actual damage to the property, real or personal, of the owner of said land, or to the property of any other person within said inclosure, said person so committing such damage shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding twice the amount of the actual damage done.

Mr. Johnson moved to lay the amendment on the table.

Messrs. Keigwin and Francisco demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Collett,	Hubbard,
Armstrong,	Dittemore,	Johnson,
Beeson,	Dougherty,	Martindale,
Bradley,	Elliott,	Miller,
Brown,	Francisco,	Morgan,
Carnahan,	Fuller,	Robinson,
Case,	Green,	Scott,
Cave,	Hadley,	Wadge,
Caven,	Hess,	Williams—27.

Those who voted in the negative were, Messrs.

Beardsley,	Gray,	Lasselle,
Bird,	Henderson,	Rosebrough,
Denbo,	Hooper,	Steele,
Dwiggins,	Keigwin,	Wood—13.
Glessner,		

So the motion to lay on the table prevailed.

Mr. Dwiggins moved to recommit the bill with instructions.

It was not agreed to.

Mr. Hadley moved to reconsider the vote by which the bill was ordered engrossed.

Mr. Beeson moved to lay the motion on the table.

It was agreed to.

Mr. Beeson moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Collett,	Johnson,
Armstrong,	Dittemore,	Martindale,
Beeson,	Dougherty,	Miller,
Bradley,	Elliott,	Morgan,
Brown,	Green,	Robinson,
Bird,	Gregg,	Scott,
Carnahan,	Hadley,	Taylor,
Case,	Hess,	Wadge,
Cave,	Hubbard,	Williams—27.

Those who voted in the negative were, Messrs.

Beardsley,	Caven,	Dwiggins,
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Francisco,	Henderson,	Rosebrough,
Fuller,	Hooper,	Steele,
Glessner,	Keigwin,	Wood—14.
Gray,	Lasselle,	

So the bill passed.

The question being, shall the title as read stand as the title of th bill.

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Rosebrough moved that the order of business be suspended that he might offer a resolution.

Messrs. Dittmore and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Gregg,	Morgan,
Beardsley,	Hadley,	Robinson,
Case,	Hess,	Rosebrough,
Denbo,	Hubbard,	Steele,
Dwiggins,	Lasselle,	Taylor,
Francisco,	Martindale,	Wadge,
Fuller,	Miller,	Wood—22.
Green,		

Those who voted in the negative were, Messrs.

Armstrong,	Caven,	Henderson,
Beeson,	Collett,	Hooper,
Bradley,	Dittmore,	Johnson,
Brown,	Dougherty,	Keigwin,
Bird,	Elliott,	Scott,
Carnahan,	Glessner,	Williams—20.
Cave,	Gray,	

So the motion prevailed.

Mr. Rosebrough offered the following:

Resolved, That the committee on the judiciary of the Senate be

and they are hereby instructed to report immediately, upon the bill No. —, introduced by Senator Gregg, for the abolition of the office of Agent of State.

Mr. Brown moved to lay the resolution on the table.

Messrs. Rosebrough and Glessner demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Armstrong,	Dougherty,	Hooper,
Bradley,	Elliott,	Johnson,
Brown,	Francisco,	Keigwin,
Bird,	Fuller,	Morgan,
Carnahan,	Gray,	Scott,
Cave,	Henderson,	Williams—19.
Dittemore,		

Those who voted in the negative were, Messrs.

Andrews,	Dwiggins,	Lasselle,
Beardsley,	Glessner,	Martindale,
Beeson,	Green,	Miller,
Case,	Gregg,	Robinson,
Caven,	Hadley,	Steele,
Collett,	Hess,	Taylor,
Denbo,	Hubbard,	Wood—22.

So the motion did not prevail.

Mr. Beeson moved the previous question,

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, on the adoption of the resolution?

Messrs. Glessner and Johnson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Beardsley,	Beeson,
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Case,	Gregg,	Morgan,
Caven,	Hadley,	Robinson,
Collett,	Hess,	Rosebrough,
Denbo,	Hubbard,	Steele,
Dwiggins,	Lasselle,	Taylor,
Glessner,	Martindale,	Wood—23.
Green,	Miller,	

Those who voted in the negative were, Messrs.

Armstrong,	Dittemore,	Hooper,
Bradley,	Dougherty,	Johnson,
Brown,	Francisco,	Keigwin,
Bird,	Fuller,	Scott,
Carnahan,	Gray,	Williams—17.
Cave,	Henderson,	

So the resolution was adopted.

Mr. Hooper moved that the order of business be suspended that Senate bill No. 265 might be taken up.

Messrs. Bradley and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Caven,	Hooper,
Armstrong,	Collett,	Hubbard,
Beardsley,	Dittemore,	Johnson,
Beeson,	Dougherty,	Keigwin,
Bradley,	Elliott,	Lasselle,
Brown,	Francisco,	Morgan,
Bird,	Glessner,	Scott,
Carnahan,	Green,	Taylor,
Case,	Hadley,	Williams—28.
Cave,	Henderson,	

Those who voted in the negative were, Messrs.

Denbo,	Fuller,	Gregg,
Dwiggins,	Gray,	Hess,

Martindale,	Robinson,	Steele,
Miller,	Rosebrough,	Wood—12.

So the motion prevailed.

Engrossed House Bill No. 265. A bill to amend an act entitled “An act prescribing the duties and fixing the compensation of State Agent,” approved June 17, 1852.

Was read a first time.

Mr. Williams moved that the constitutional rule requiring bills to be read on three several days, be suspended, that Engrossed House Bill No. 265 may be read a second and third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Francisco,	Hubbard,
Armstrong,	Fuller,	Johnson,
Beardsley,	Glessner,	Keigwin,
Beeson,	Gray,	Lasselle,
Bradley,	Green,	Morgan,
Carnahan,	Gregg,	Rosebrough,
Case,	Hadley,	Scott,
Cave,	Henderson,	Taylor,
Collett,	Hooper,	Williams—27.
Dougherty,		

Those who voted in the negative were, Messrs.

Brown,	Elliott,	Miller,
Bird,	Gray,	Robinson,
Caven,	Hess,	Steele,
Denbo,	Martindale,	Wood—13.
Dwiggins,		

So the motion did not prevail.

Mr. Hooper moved to suspend the regular order of business, that Senate Bill No. 137 may be taken from the table and placed on the files.

It was agreed to.

Mr. Martindale moved that the Senate do now proceed with bills on third reading, until the judiciary committee have time to report.

It was agreed to.

Engrossed Senate Bill No. 18. A bill authorizing county recorders to demand and receive their fees for recording at the time deeds, mortgages, and other papers are presented to them for record.

Which was read a third time.

Mr. Martindale, by unanimous consent, offered the following amendment:

It shall be the duty of every recorder in the several counties of this State, at the expiration of his term of office, to deliver over to his successor in office all deeds, mortgages, or other instruments left for record remaining in his hands at the expiration of such term, whether the fees for recording the same have been paid or not; and it shall be the duty of all ex-recorders who have withdrawn such deeds, mortgages, or other instruments from the recorder's office, to deliver the same to his successor in office or the recorder of said county, where such deeds, mortgages, and other instruments shall be at the time kept until paid for and withdrawn by the parties entitled thereto; but such retiring recorder may have fee bills delivered to him for any such deeds, mortgages, or other instruments on which he has fees for recording, the same remaining unpaid.

Which was agreed to.

The question recurring on the passage of the bill.

Those who voted in the affirmative were, Messrs.

Andrews,	Collett,	Hadley,
Armstrong,	Denbo,	Henderson,
Beardsley,	Dittemore,	Hess,
Beeson,	Dougherty,	Hooper,
Bradley,	Dwiggins,	Hubbard,
Bird,	Elliott,	Johnson,
Carnahan,	Francisco,	Keigwin,
Case,	Fuller,	Lasselle,
Cave,	Glessner,	Martindale,
Caven,	Gregg,	Miller,

Morgan,	Scott,	Wadge,
Robinson,	Steele,	Williams,
Rosebrough,	Taylor,	Wood—39.

Mr. Green voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Martindale, by unanimous consent, offered the following amendment:

“And requiring auditors to leave and deposit all recorded instruments in the recorder’s office.”

It was agreed to.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate Bill No. 11. A bill to amend an act entitled “An act to enable the owners of wet lands to drain and reclaim them where the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and county auditors in the premises, and repealing all laws inconsistent therewith,” approved March 11, 1867.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Armstrong,	Elliott,	Johnson,
Beardsley,	Francisco,	Lasselle,
Beeson,	Fuller,	Martindale,
Bradley,	Glessner,	Miller,
Bird,	Gray,	Morgan,
Carnahan,	Green,	Robinson,
Case,	Gregg,	Rosebrough,
Cave,	Hadley,	Scott,
Caven,	Henderson,	Taylor,
Denbo,	Hess,	Wadge,
Dougherty,	Hooper,	Williams,
Dwiggins,	Hubbard,	Wood—36.

Senator Andrews voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Gray, by unanimous consent, offered the following:

Resolved, That when the Senate adjourn, it stand adjourned until 7½ o'clock this evening.

It was agreed to.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Senate Joint Resolution No. 6, entitled "A Joint Resolution for the adjustment and collection of claims in favor of the State of Indiana," and the same is herewith returned to the Senate.

Also, I am directed by the Speaker of the House to inform the Senate that the House has passed Senate Joint Resolution No. 8, "in relation to the improvement of the harbor at Michigan City;" and the same is herewith transmitted to the Senate.

Also, I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 75, entitled "A bill making illegal and void all contracts for the payment of attorneys' fees by the promisor in such contract;" and the same is herewith transmitted to the Senate.

Also, I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 268, entitled "An act to provide for changes of venue from Criminal Courts, and legalizing changes of venue heretofore made;" and the same is herewith transmitted to the Senate.

Engrossed Senate Bill No. 69. A bill authorizing plank, macadamized and gravel road companies to enter upon lands, to construct drains, and appropriate material, by giving notice, and having value of materials appraised.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Johnson,
Armstrong,	Francisco,	Martindale,
Beardsley,	Fuller,	Miller,
Beeson,	Glessner,	Morgan,
Bradley,	Gray,	Robinson,
Case,	Green,	Scott,
Cave,	Henderson,	Taylor,
Caven,	Hess,	Wadge,
Dwiggins,	Hooper,	Wood—27.

Those who voted in the negative were, Messrs.

Bird,	Dougherty,	Keigwin,
Carnahan,	Gregg,	Lasselle,
Collett,	Hadley,	Rosebrough,
Denbo,	Hubbard,	Williams—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Scott moved that the order of business be suspended that Engrossed House Bill No. 268 may be taken up.

Which was agreed to.

Engrossed House Bill No. 268. A bill to provide for changes of
S. J.—32

venue from Criminal Courts, and legalizing changes of venue heretofore made.

Was read a first time.

Mr. Denbo moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be read a second and third times now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Johnson,
Armstrong,	Dwiggins,	Keigwin,
Beardsley,	Francisco,	Lasselle,
Beeson,	Fuller,	Martindale,
Bradley,	Glessner,	Miller,
Bird,	Gray,	Morgan,
Carnahan,	Green,	Robinson,
Case,	Gregg,	Rosebrongh,
Cave,	Hadley,	Scott,
Caven,	Henderson,	Taylor,
Collett,	Hess,	Wadge,
Denbo,	Hooper,	Williams,
Dittemore,	Hubbard,	Wood—39.

No Senator voting in the negative.

So the rule was suspended, and the bill read a second and third times.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Cave,	Fuller,
Armstrong,	Caven,	Glessner,
Beardsley,	Collett,	Gray,
Beeson,	Denbo,	Green,
Bradley,	Dittemore,	Gregg,
Bird,	Dougherty,	Hadley,
Carnahan,	Dwiggins,	Henderson,
Case,	Francisco,	Hess,

Hooper,	Martindale,	Scott,
Hubbard,	Miller,	Taylor,
Johnson,	Morgan,	Wadge,
Keigwin,	Robinson,	Williams,
Lasselle,	Rosebrough,	Wood—39.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate Bill No. 9. A bill regulating interest on money.

Was read a third time, with pending amendments.

On motion by Mr. Fuller,

The Senate adjourned.

WEDNESDAY MORNING.

FEBRUARY 8, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. Dr. Andrus, of Meridian Street M. E. Church.

Pending the reading of yesterday's Journal,

Mr. Robinson moved that the further reading thereof be dispensed with.

Which was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hamilton presented a petition from the citizens of Boone county, asking the enactment of a law suppressing the traffic in intoxicating liquors as a beverage, and declaring such traffic criminal.

Which was,

On motion,

Referred to the committee on temperance.

The President laid before the Senate the following memorial from the State Temperance Alliance:

To the General Assembly of the State of Indiana:

At the last session of the Indiana State Temperance Alliance, held in the city of Indianapolis, February 1st and 2d, 1871, among other proceedings the following memorial was adopted, viz.:

Memorial to the Senate and House of Representatives of the State of Indiana by the State Temperance Alliance of Indiana:

GENTLEMEN: Being solemnly impressed with the belief that the peace, order and prosperity of a State depend on the industry, temperance, intelligence and virtue of its citizens, and that the use and

sale of intoxicating liquors as a beverage is subversive of these ends; and that the State is not without its responsibility for the results of imperfect laws, and for any lack of legislation that will render the people unable to protect themselves from the damages of immorality and crime; and remembering that the constitution of this State concedes to the people that all free governments are, and of right ought to be, founded on their authority and instituted for their peace, safety and well being.

And while we declare that our ultimate object and purpose is the entire suppression of the traffic in intoxicating liquors as a beverage, yet, for the purpose of advancing toward, and attaining that object, we respectfully and earnestly ask your honorable body,

First. To enact such law or laws as will forbid and suppress the traffic in intoxicating liquors as a beverage, except upon petition of a majority of the legal voters of the township, town, or city ward in which such sale is proposed to be made.

Second. That all venders of intoxicating liquors shall be held by law, jointly liable with the person intoxicated, for the crimes or misdemeanors of those whom they have caused by such sale to be intoxicated.

Third. That all rooms used for the sale of intoxicating liquors be kept open to the public, and unobstructed by screens or other blinds while making such sales, and that such rooms be closed, and sales declared illegal, that are made on the Sabbath, Christmas, New Year, Fourth of July, Thanksgiving days, and on all election days; and whenever the provisions of the law under which permission to sell intoxicating liquors has been given, are violated, such permission shall be forfeited.

Fourth. That it be made the duty of the Prosecuting Attorney of the criminal, circuit or common pleas courts, or some of such attorneys, to appear before the boards of county commissioners of their respective circuits or districts, and for and in behalf of the State of Indiana, resist the granting of any and all permission to sell intoxicating liquors in less quantities than a quart, providing that the applicant shall pay the fees of such attorney on the basis of a smaller amount where permission is granted, than when refused; and, also, providing that appeals shall be taken from any subordinate tribunal, in the name of the State, without bond, and, pending such appeal, the applicant shall not sell, barter, or give away liquors.

Holding dear the interests of both Church and State, and desiring the guarantee to every citizen of all those rights and privileges which are not inconsistent with the general good, and which will not be a snare for and a ruin to our youth, we earnestly ask for the enactment of such laws as will shield the citizens of the State from intemperance and crime, and inspire our youth with the love of temperance, purity, virtue and truth—and for these things we shall ever pray.

BARNABAS HOBBS,
F. C. HOLIDAY,
A. L. ROBINSON,
T. B. McCORMICK,
JOHN W. RAY,

Committee on Temperance Legislation.

We, R. T. Brown, President, and Thomas A. Goodwin, Secretary, of the Indiana State Temperance Alliance, hereby certify the foregoing to be a copy of the memorial passed by the Indiana State Temperance Alliance, February 2. 1871.

Witness our hands this — day of February, A. D., 1871.

R. T. BROWN, President.

T. A. GOODWIN, Secretary.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Bradley presented a memorial of the State Business Men's Convention, held at Indianapolis on Wednesday, the first day of February, 1871, asking the enactment of certain laws therein indicated to promote the introduction into the State of more wealth-producing citizens, and more capital.

Which,

On motion of Mr. Bradley,

Was laid upon the table.

Mr. Wadge presented a petition from the citizens of Porter county, remonstrating against any and all laws being passed by the General Assembly, relative to draining wet and overflowed lands, and relating to the construction of dykes, drains, levees, by any in-

corporated company whatever, and ask that the law passed May 22, 1869, for the construction of drains, etc., be repealed.

Which was,

On motion,

Referred to the committee on corporations.

Mr. Dwiggins presented three petitions from the citizens of Starke and Jasper counties, praying for the repeal of the "Kankakee River Ditching and Draining Law."

Which were,

On motion,

Referred to the committee on corporations.

REPORTS OF STANDING COMMITTEES.

Mr. Bradley, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

As acting chairman of the committee on the judiciary, to whom was referred Senate Bill No. 10, a bill repealing section one of an act entitled "An act prescribing the duties and fixing the compensation of State Agent," approved June 17, 1852, and authorizing and requiring the Treasurer of State to perform the duties thereof, and declaring an emergency to exist for the taking effect of this act, in obedience to a resolution of the Senate, I herewith respectfully return the said bill to the Senate.

Mr. Martindale moved that the order of business be suspended, that Senate Bill No. 10 may be taken up and read a second time.

The ayes and noes were demanded by Messrs. Glessner and Keigwin.

The question being upon the motion to suspend the order of business.

Those who voted in the affirmative were, Messrs.

Andrews,
Case,

Caven,
Collett,

Denbo,
Dwiggins,

Glessner,	Hess,	Martindale,
Gray,	Hooper,	Miller,
Green,	Hubbard,	Robinson,
Gregg,	Lasselle,	Wadge—19.
Hadley,		

Those who voted in the negative were, Messrs.

Bradley,	Dougherty,	Keigwin,
Brown,	Elliott,	Scott,
Bird,	Francisco,	Steele,
Carnahan,	Fuller,	Taylor,
Cave,	Henderson,	Williams,
Dittemore,	Johnson,	Wood—18.

So the order of business was suspended, and

Senate Bill No. 10. A bill repealing section 1 of an act entitled "An act prescribing the duties and fixing the compensation of State Agent," approved June 17, 1852, and authorizing and requiring the Treasurer of State to perform the duties thereof, and declaring an emergency to exist for the taking effect of this act.

Was read a second time.

Mr. Bradley moved to recommit Senate Bill No. 10 to the committee on finance.

Mr. Gray moved to amend, so as to include Senate Bill No. 31.

Mr. Gray asked unanimous consent of the Senate to withdraw his motion.

Objection being made, the motion was not withdrawn.

Mr. Bradley made the following report :

MR. PRESIDENT:

As chairman of the committee on the judiciary, I herewith respectfully return to the Senate, Senate Bill No. 31, a bill to provide for the payment of certain stocks and bonds of the State of Indiana, therein mentioned.

Which was heretofore referred to said committee.

Mr. Williams demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion to refer Senate Bills Nos. 10 and 31 to the committee on finance.

It was agreed to.

Mr. Martindale moved that the committee on finance be required to report Senate Bills Nos. 10 and 31 back to the Senate by Tuesday next, and that the same be made the special order for half-past ten o'clock on that day.

Which was agreed to.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following concurrent resolution:

Resolved, That the memorial of the business men of the State of Indiana, together with the resolutions and bills recommended by them, be and the same are hereby referred to a select committee of four to act with a similar committee, to be appointed by the Senate, and that such joint committee consider the same, and report upon the same, as they shall see proper.

Resolved, That the concurrence of the Senate in the appointment of such joint committee is hereby requested, and that the Clerk notify the Senate of the adoption of these resolutions.

Also, I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Bill No. 10, of the House, entitled an act to amend section one of an act entitled "An act to amend section forty-three of an act entitled 'An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement,' approved July 17, 1852;" approved February 19, 1869, and the

same is herewith transmitted to the Senate for the signature of the President thereof.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 105, entitled an act allowing persons to make certain improvements on the public highways, and providing the manner of payment therefor, and declaring an emergency, and the same is herewith transmitted to the Senate.

Also, I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 4, entitled an act in relation to voluntary assignments in trust for the benefit of creditors, and defining the powers of courts of common pleas in relation thereto in certain cases, and the same is herewith transmitted to the Senate.

Also, I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 151, entitled a bill to encourage the destruction of foxes, and the same is herewith transmitted to the Senate.

Messages from the Governor, by John M. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 7, 1871.

MR. PRESIDENT:

I am directed by the Governor to respectfully inform the Senate that he has approved and signed Enrolled Act No. 23, entitled an act to constitute the Twenty-Fifth Judicial District.

Also, Enrolled Act No. 173, entitled an act legalizing the consolidation of the Logansport, Camden and Frankfort, the Frankfort and Crawfordsville, and the Crawfordsville and Rockville Railroad Companies under the name of the Logansport, Crawfordsville and Southwestern Railway Company, and the present organization of the last named company, and the proceedings of its stockholders and

boards of directors, and that said acts have been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 7, 1871.

MR. PRESIDENT:

I am directed by the Governor to transmit to the Senate a message in response to the resolution of the Senate, asking for information as to the amount of moneys drawn from the treasury by him during the time he was acting as Governor, and since he has been Governor, the disposition made thereof, and the amount actually paid for house rent, etc.

JOHN M. COMMONS,
Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 4, 1871.

Gentlemen of the Senate:

I have the honor to acknowledge the receipt of a copy of a resolution passed by your body in these words, viz.:

“*Resolved*, That his Excellency, Governor Baker, and he is hereby respectfully requested to lay before the Senate a full and complete statement of the amount of money drawn from the State Treasury during the time he was acting as Governor, and also during the time he has been Governor, under and by virtue of the 4th section of an act entitled ‘An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and make him an allowance in lieu thereof, etc., etc.,’ approved February 25, 1865, and that he also furnish a full and complete statement of all sums of money paid out by him during said time for house rent.”

In response to this resolution, I beg leave to say that all of my predecessors were not only supplied with a dwelling by the State, but such dwelling was furnished and kept in repair at the expense of the State. In 1865, the Executive Mansion, then owned by the

State and occupied by Governor O. P. Morton, became so dilapidated and unhealthy that Governor Morton, by the advice of his physicians, abandoned it. Soon afterward, the General Assembly passed the act of March 25th, 1865, alluded to in your resolution. The 4th section of said act is in these words, viz.: "Section 4. That said commissioners be and they are hereby authorized to provide a permanent and suitable residence for the Governor of the State of Indiana and his successors in office, conveniently located, with grounds and buildings suitable to the dignity of the Executive authority, and invest for such purpose so much of the proceeds arising from the sale of said real estate as they shall deem necessary; *Provided however*, that the cost of the same shall not exceed the amount realized from the sale of said real estate so authorized to be sold by them, and said commissioners are authorized to provide a suitable residence for the Governor until a residence can be procured according to the terms of this act, or, in lieu thereof, that they pay him a sum equal thereto, not exceeding five thousand dollars per annum, the Auditor of State in either case to draw his warrant on the treasurer for the amount on the certificate of the said commissioners."

The Auditor and Treasurer of State, and Calvin Fletcher Sr., were by the previous sections of the act, appointed commissioners to sell the old Executive Mansion property and the lot on Washington street, now occupied by the new building in which the State offices are kept, the two pieces of property so authorized to be sold being valued at some \$70,000. They sold the former piece for some \$42,000, but not procuring an advantageous bid for the other, they declined to sell it.

The commissioners, nearly two years before the duties of the office of Governor devolved upon me as Lieutenant Governor fixed the allowance to be paid to the Governor in lieu of the "suitable residence," (which had not been provided,) at \$5,000 per annum.

My predecessor drew that amount from the date of the passage of the act, up to the time of his resignation upon his election to the Senate in January, 1867, and no objection was made thereto either in or out of the Legislature, even by his political adversaries.

The duties of Governor devolved upon me as the Lieutenant Governor of the State, on the 25th day of January 1867, and from that time until now, I have drawn at the rate of \$5,000 per annum, under said 4th section of said act, in pursuance of the action of said commissioners in making said allowance.

From January 25th, 1867, to February 11th, 1867, I paid no house rent, as my family occupied my own residence at Evansville from the former to the latter date. On the last named date, I moved my family to Indianapolis and occupied the house, then, and still owned, and until that date occupied by Governor Morton, and I continued to occupy the same house from the 11th of January, 1867, to May 1st 1869, at a rent of \$900 per annum. On the day last named, I commenced occupying the dwelling in which I now live at a rent of \$1,500 per annum. Out of the first year's rent, however, I was allowed to deduct \$300 for renovating, repairing and improving the premises; but, for each subsequent year, I was to make all improvements and repairs that might be required, at my own expense. In point of fact, the \$300 allowed for this purpose, was exhausted during the first year, consequently my rent since April —, 1869, may be set down at \$1,500, for the first year, and the same sum for each subsequent year, with such additions for improvements and repairs as may be necessary. As I did not anticipate that the Senate would make so minute an inquiry into my domestic expenditures, I kept no account of the sums expended for improvements and repairs since the first year of my present lease.

As your resolution does not contemplate furniture, I will make no estimate on that subject; I hope the statement may be considered sufficiently full and complete, but if the precise sum in dollars and cents received by me is required, I respectfully refer the Senate to the Auditor of State for the information, as he has a record of each item, and I have not. I may possibly be allowed in conclusion to suggest that if the amounts received were, as I insist, legally appropriated, I am not accountable to the Senate for the manner of their expenditure, and that, if their receipt was without authority of law, the transaction would not have been sanctified if I had paid every dollar for the rent of a palatial residence and then impoverished myself by an attempt to keep up the establishment.

CONRAD BAKER.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 7, 1871.

MR. PRESIDENT:

By direction of the Governor I have the honor to transmit herewith a communication correcting certain errors made in the tabular

statement accompanying the Message delivered at the opening of the present session of the General Assembly, in relation to the reduction in the value of the taxable property of the State.

JOHN M. COMMONS,
Private Secretary.

Gentlemen of the Senate and House of Representatives:

I desire by this communication to correct an error committed in the message delivered at the commencement of the present session, in relation to the reduction in the value of the taxable property of the State by a failure on the part of county auditors to comply with the directions of the State Board of Equalization, in making out the duplicate for 1869, I then stated the reduction to be over 15,000,000 of dollars, and the tabular statement to which I referred, having been published by the Indianapolis Journal, I soon after received a letter from Ralph Applewhite, Esq., auditor of Jackson county, calling my attention to the fact that there was a mistake in the table by which injustice was done to himself and to his county, by representing a reduction in the value of the real estate thereof of \$251,612, when the real reduction was only \$27,392, and that this small reduction was in point of fact the result of a correction of errors in the footings, etc.

I reviewed the matter and found that the auditor of Jackson county was correct, and that my tabular statement was erroneous, the error occurring from overlooking a foot note in small print, in one of the tables in the Auditor's report for 1869. I have consequently thoroughly revised and reconstructed the table, and find that the reduction of the value of the taxables of the State on the duplicates of 1869, below what they would have been, had the directions of the State Board been carried out, is \$11,494,358, instead of over 15,000,000 of dollars as I before stated. I herewith respectfully transmit a copy of the revised and corrected tabular statement, so that no injustice may be done to any officer or county by the former one, and so that members or committees of the General Assembly may not be misled by the erroneous statement before made, and to that end I respectfully ask that this communication and the tabular statement herewith transmitted may be referred to the joint committee having the subject in charge.

TABULAR STATEMENT accompanying the foregoing Message.

COUNTIES.	Value of Real Estate as per State Board of Equalization.	Value of Real Estate as per Duplicate of 1869.	Increase.	Decrease.
Adams.....	\$1,844,034	\$1,857,705	\$13,671	.....
Allen.....	9,590,155	9,570,000	.....	\$19,555
Bartholomew.....	6,377,025	6,610,865	233,840	.....
Benton.....	2,530,305	2,537,546	7,241	.....
Blackford.....	941,125	939,725	.....	1,400
Boone.....	5,739,710	5,521,860	.....	217,850
Brown.....	923,070	888,703	.....	34,367
Carroll.....	5,051,911	4,935,050	.....	116,861
Cass.....	6,389,470	6,629,215	239,775	.....
Clarke.....	7,167,369	7,207,880	40,511	.....
Clay.....	3,492,432	3,552,544	60,112	.....
Clinton.....	5,051,025	4,899,445	.....	151,580
Crawford.....	1,058,587	1,018,130	.....	10,457
Daviess.....	3,869,068	3,760,147	.....	108,921
Dearborn.....	5,536,512	5,493,010	.....	43,512
Decatur.....	6,404,577	6,744,535	339,958	.....
Dekalb.....	2,818,903	2,809,561	.....	9,443
Delaware.....	5,530,233	5,523,340	.....	6,893
Dubois.....	2,168,118	2,114,470	.....	53,648
Elkhart.....	7,342,714	7,323,843	.....	18,871
Fayette.....	5,086,322	5,008,910	12,588	.....
Floyd.....	5,302,476	5,251,295	.....	51,181
Fountain.....	4,977,418	4,917,620	.....	59,793
Franklin.....	5,533,825	5,562,530	28,705	.....
Fulton.....	2,351,226	2,362,935	11,709	.....
Gibson.....	6,199,034	6,199,918	884	.....
Grant.....	4,131,320	4,223,825	98,505	.....
Greene.....	4,053,911	4,045,101	11,190	.....
Hamilton.....	5,580,524	5,571,615	.....	8,909
Hancock.....	4,434,915	4,623,550	188,635	.....
Harrison.....	3,298,698	3,289,595	.....	9,103
Hendricks.....	8,119,896	8,478,402	358,506	.....
Henry.....	7,002,633	6,974,690	.....	27,943
Howard.....	3,459,493	3,649,970	190,477	.....
Huntington.....	3,262,279	3,328,745	66,466	.....
Jackson.....	5,961,232	5,933,850	.....	27,382
Jasper.....	1,601,311	1,617,751	16,440	.....
Jay.....	2,402,930	2,401,885	.....	1,045
Jefferson.....	5,855,718	5,743,248	.....	109,470
Jennings.....	3,041,050	3,024,160	.....	16,890
Johnson.....	6,674,221	6,514,135	.....	160,083
Knox.....	5,268,643	5,284,680	16,037	.....
Kosciusko.....	5,075,430	5,188,975	113,545	.....
Lagrange.....	3,319,593	3,312,858	.....	6,735
Lake.....	2,271,122	2,256,126	.....	15,002
Laporte.....	7,234,283	7,235,150	869	.....
Lawrence.....	5,212,883	5,359,988	147,105	.....
Madison.....	5,687,838	6,105,545	417,707	.....
Marion.....	34,747,862	29,036,239	.....	5,711,623
Marshall.....	3,890,109	3,911,660	21,551	.....
Martin.....	1,361,636	1,371,296	9,660	.....
Miami.....	4,695,467	3,645,320	.....	1,049,147
Monroe.....	4,088,234	4,127,374	39,140	.....
Montgomery.....	8,943,733	8,871,510	.....	72,223
Morgan.....	6,195,198	5,948,975	.....	246,223
Newton.....	1,425,750	1,475,249	49,499	.....
Noble.....	3,728,885	3,648,175	.....	80,710
Ohio.....	1,275,891	1,245,210	.....	30,680
Orange.....	3,262,519	3,124,000	.....	138,519
Owen.....	3,836,034	3,860,880	24,846	.....
Parke.....	6,752,710	6,796,635	43,925	.....
Perry.....	2,190,525	2,107,155	.....	83,370
Pike.....	2,854,315	2,249,166	.....	605,149
Porter.....	3,639,980	3,624,695	.....	15,285
Posey.....	5,486,344	5,438,225	.....	48,119
Pulaski.....	1,454,075	1,483,715	29,640	.....
Putnam.....	9,368,463	9,349,940	.....	18,523
Randolph.....	5,907,543	5,848,406	.....	59,137
Ripley.....	2,825,573	2,703,850	.....	118,723
Rush.....	8,782,579	8,674,925	.....	107,654
Scott.....	1,203,252	1,172,131	.....	31,121
Shelby.....	8,096,855	8,054,420	.....	42,435

TABULAR STATEMENT accompanying the foregoing Message.
Continued.

COUNTIES.	Value of Real Estate as per State Board of Equalization.	Value of Real Estate as per Duplicate of 1869.	Increase.	Decrease.
Spencer.....	3,402,162	3,358,875	.....	43,287
Starke.....	823,722	817,669	.....	6,053
St. Joseph.....	6,658,958	6,696,300	37,362	.....
Stenben.....	2,249,226	2,263,140	13,914	.....
Sullivan.....	4,013,466	4,069,185	55,724	.....
Switzerland.....	2,646,107	2,630,120	.....	15,987
Tippecanoe.....	12,609,090	12,619,590	10,500	.....
Tipton.....	2,374,139	1,804,520	.....	569,619
Union.....	3,310,936	3,027,060	.....	283,876
Vanderburg.....	11,691,155	8,879,465	.....	2,811,690
Vermillion.....	3,121,415	3,162,756	41,341	.....
Vigo.....	10,539,836	10,791,100	251,264	.....
Wabash.....	6,320,163	6,307,350	.....	12,813
Warren.....	4,384,996	4,378,860	.....	6,136
Warrick.....	3,399,859	3,371,856	.....	28,003
Washington.....	4,999,063	5,083,645	84,582	.....
Wayne.....	12,819,628	12,117,320	.....	693,308
Wells.....	2,044,841	2,046,135	1,294	.....
White.....	3,329,381	3,163,305	.....	166,076
Whitley.....	2,972,015	2,851,187	.....	120,828

RECAPITULATION.

Increase on Tax Duplicate.....	\$3,028,767
Decrease on Tax Duplicate.....	14,523,125
Net Decrease.....	\$11,494,358

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 7, 1871.

MR. PRESIDENT:

I am directed by the Governor to respectfully transmit to the Senate a communication and accompanying papers, pertaining to the report required to be made by the Chaplains of the State prisons in regard to the purchase of books for libraries therefor.

JOHN M. COMMONS,
Private Secretary.

Gentlemen of the Senate and House of Representatives :

At the last session of the General Assembly, a concurrent resolution was passed requiring the Chaplains of the Northern and Southern Prisons to furnish to this General Assembly a report, verified by oath, of the number and character of volumes purchased for the library of each of said prisons. These reports having been furnished to me, for transmission to the General Assembly, by said

Chaplain's respectively, are now herewith transmitted--the original reports being sent to the House, and copies thereof to the Senate.

CONRAD BAKER.

Northern Prison—Copy of Chaplain's Report on Library.

CONRAD BAKER, *Governor of Indiana* :

I respectfully submit to your Excellency the following report, to be by you presented to the Senate and House of Representatives, in compliance with the joint resolution of the General Assembly, a copy of which resolution is herewith filed and made a part of this report. In drawing the funds from the treasury, I was governed by instructions received from the Secretary of State, a copy of whose letter is herewith filed and made a part of this report. I have purchased at sundry times, as per bills forwarded to the Auditor of State, the following books for the benefit of the convicts of the Northern Indiana Prison :

CHARACTER OF BOOKS.	No. of Volumes.
English Bibles.....	200
German Bibles.....	20
English Testaments.....	50
Geographies.....	200
Arithmetics.....	200
Webster's Primary Dictionaries.....	60
Hymn Books.....	220
Monthly Magazines (Harper and Atlantic).....	200
Narratives and Travels.....	20
Scientific Works.....	40
English Poems and Essays (standard).....	27
Washington Irving's Works (complete).....	27
Volumes of German Library (assorted).....	25
Miscellaneous Selected Books.....	100
Froude's History of England.....	10
Abbott's Histories.....	22
Wilson's Histories of United States.....	12
Miscellaneous Histories.....	24
American Literature.....	40
Dickens' Works (complete).....	14
School Readers.....	60
School Spellers.....	60
Barnes' Notes on New Testament.....	22
Longking's Notes on New Testament.....	8
Temperance Tracts (bound).....	12
Moral Essays of American Tract Society (bound).....	16
Bible Dictionaries.....	4
Sunday School Teachers.....	6
Webster, Unabridged.....	1
Large Hemisphere Map.....	1
Large United States Map.....	1
Large Map of Bible Lands.....	1
Brass Planetarium.....	1

STATE OF INDIANA, }
 Laporte County. } ss:

Personally appeared before me, William C. Smith, a Notary Public.
 S. J.—33

lic in and for said county, Aaron Wood, who certifies the foregoing to be a true statement according to his best knowledge and belief.

AARON WOOD.

In witness whereof I have set my hand and official seal this 31st day of December, 1870.

WILLIAM C. SMITH,

[L. S.]

Notary Public.

Copy of letter of Secretary of State accompanying foregoing report :

STATE OF INDIANA,
OFFICE OF SECRETARY OF STATE.
INDIANAPOLIS, June 9th, 1869.

AARON WOOD, Esq.,

Michigan City, Ind.:

Dear Sir:—Your letter of June 7th has been received, enclosed please find a copy of the law in question, you will preeceive that the law is so plain as to need no explanation. The \$1,000 can be drawn at any time, though would it be better to first make the purchase, then present the bill to the Auditor of State, get his warrant and then receive the money from the treasurer.

Very Respectfully,

M. F. A. HOFFMAN,

Secretary of State.

Resolved, By the House of Representatives, the Senate concurring, that the Chaplains of the Southern and Northern prisons, be required to furnish to the next General Assembly, a report verified by oath, of the number and character of volumes purchased for the library of each of said prisons.

I hereby certify that the within is a true copy of a resolution which passed the House April 23d, 1869, and passed the Senate May 10th, 1869.

WM. M. MERWIN,

Principal Clerk, House.

Southern Prison—Copy of Chaplain's Report on Library.

INDIANA STATE PRISON SOUTH,
JEFFERSONVILLE, Dec. 15, 1870.

To the General Assembly of the State of Indiana,

To meet January 5, 1871:

In pursuance of a resolution passed by the House of Representatives April 23d, 1869, in which the Senate concurred May 10th, 1869, requiring the Chaplains of the Southern and Northern prisons to report to you at your present session, verified by oath, of the number and character of volumes purchased for the library of each of said prisons, I herewith submit to your Honorably body my report as Chaplain of the Southern Indiana State Prison :

Report of Library—Southern Indiana Prison.

CHARACTER OF VOLUMES.	No.	PRICE.	REMARKS.
Daniel De Foe's Works.....	7	\$9 17	
French History.....	9	24 22	
English History.....	16	39 75	
American History.....	24	53 72	
Dutch Republic.....	7	22 60	
Dickens' Works.....	53	53 00	
Holland (Titcomb).....	9	11 63	
Irving's Works.....	28	48 00	
Poe's Works.....	4	7 20	
Roe's Works.....	8	9 80	
Charles Reade.....	3	4 00	
T. S. Arthur.....	2	2 40	
Foster.....	8	10 50	
Goldsmith's Animated Nature.....	1	3 50	
Josephus.....	2	4 25	
Mildman and Gibbons' Rome.....	8	17 20	
Blackstone.....	2	8 50	
History of China.....	2	2 40	
Harpers' Publications.....	26	29 80	Bought of Scribner & Co.
Carey's Social Science.....	3	8 00	New York.
Paulding's Works.....	4	9 40	749 Volumes, \$946.92.
Life of Jefferson.....	3	8 00	Bought of Nunemacher.
German Books.....	61	104 99	New Albany.
Miscellaneous.....	412	487 73	41 Volumes, \$26.34.
	790	\$973 26	
Packing Boxes, Freight and Drayage.....		26 74	Freight, etc., \$26.74.
Total Expenses.....		\$1000 00	\$1,000.00.

In addition to the above, a donation of fifty dollars' worth of books from Scribner & Co., of New York.

JOHN W. SULLIVAN,
Chaplain of the Southern Indiana Prison.

STATE OF INDIANA, }
 County of Clarke. } ss:

I, John W. Sullivan, Chaplain of the Southern Indiana Penitentiary, at Jeffersonville, in said county, solemnly swear that the matters and statements set forth in the within inventory, are true in every respect, so help me God.

JOHN W. SULLIVAN.

Subscribed and sworn to before me this 15th day of December, 1870.

[L. S.]

S. S. JOHNSON,
 N. P. C. C. Ind.

On motion by Mr. Wood,
 The Senate adjourned.

WEDNESDAY, 2 O'CLOCK P. M.

The Senate met.

Mr. Hooper, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate Bill No. 113, an act authorizing suits to be brought in the partnership name only in certain cases, and declaring the effect thereof, have had the same under consideration and directed me to report the same back to the Senate recommending its passage.

Mr. Scott, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate Bill No. 142, a bill to amend the two hundred and eleventh section of

an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleadings and practice without distinction between law and equity," approved June 18th, 1852, and to repeal section two hundred and sixteen of the same act, have had the same under consideration, and have instructed me to report the same back to the Senate, with a recommendation that the second section be stricken out, and upon said amendment being made, that said bill do pass.

Mr. Cave submitted the following report :

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 56, a bill to amend section 30 of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved December 20, 1865, have instructed me to report the same back to the Senate, and recommend its passage.

Mr. Glessner, by unanimous consent, presented a petition from sundry citizens of the county of Bartholomew, asking the General Assembly to pass a law to suppress the traffic of intoxicating liquors as a beverage, declaring such traffic criminal, with suitable provisions for the conviction and punishment of the offender.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Henderson, from the committee on fees and salaries, submitted the following report :

MR. PRESIDENT:

The committee on fees and salaries, to whom was referred Senate Bill No. 150, entitled a bill supplemental to an act providing for the election of clerks of Circuit Courts, and prescribing some of their duties, have instructed me to return the same back to the Senate, and recommend its passage.

Mr. Bradley, from the committee on phraseology, arrangement of bills and enrolled bills, made the following report :

MR. PRESIDENT:

The committee on phraseology, arrangement of bills and enrolled bills, to whom was referred enrolled joint resolution No. 8 of the Senate, respectfully report that they have examined the same and find it to be correctly enrolled.

Which was concurred in.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate, that he has signed enrolled joint resolution of the Senate, in relation to the improvement of the harbor on lake Michigan, at Michigan city, and the same is herewith returned to the Senate.

INTRODUCTION OF BILLS.

Mr. Green introduced

Senate Bill No. 192. A bill authorizing certain draining companies to amend their articles of association, declaring such company a valid corporation on the terms therein prescribed.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Beeson, by the unanimous consent of the Senate, offered the following:

Resolved, That the Doorkeeper be directed to prohibit smoking in the Senate Chamber and the two south rooms and lobies of said Chamber.

Which was adopted.

Mr. Miller, by consent of the Senate, offered the following:

Resolved, That the Doorkeeper of the Senate be instructed to contract with the publisher of the Indiana American, for one copy of

each issue of said semi-weekly paper for each member and elective officer of the Senate, at the regular price of said paper ($6\frac{1}{4}$ cents per week,) counting from the beginning of the session, said papers to be laid upon the tables of the members on the respective days of publication.

Which was adopted.

Mr. Dittmore introduced

Senate Bill No. 193. A bill to fix the time of holding the Courts of Common Pleas in the counties of Greene, Owen, Clay, Putnam, and Morgan, and repealing all acts in conflict herewith, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Taylor introduced

Senate Bill No. 194. A bill to allow defenses to be made to suits on promissory notes made payable in bank, when the same may have been executed in consideration of any right secured or claimed, to be secured by letters patent, or for any interest therein, or for any territory or agency under such letters.

Which was read a first time.

Mr. Taylor moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill may be read by title, and referred to the appropriate committee.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Case,	Francisco,
Armstrong,	Cave,	Fuller,
Beardsley,	Caven,	Glessner,
Beeson,	Collett,	Gray,
Bobo,	Denbo,	Green,
Bird,	Dougherty,	Gregg,
Bradley,	Dwiggins,	Hadley,
Carnahan,	Elliott,	Henderson,

Hess,	Martindale,	Straud,
Hooper,	Miller,	Taylor,
Hubbard,	Robinson,	Wadge,
Johnson,	Scott,	Williams,
Lasselle,	Steele,	Wood—39.

No Senator voting in the negative.

So the constitutional rule was suspended, and the bill read a second time by title, and,

On motion,
Referred to the committee on the judiciary.

Mr. Beeson introduced

Senate Bill No. 195. A bill defining misdemeanors, and declaring the penalties thereof.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Williams introduced

Senate Bill No. 196. A bill to amend sections two and three of an act entitled "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State," approved February 26, 1867.

Was read a first time.

Mr. Martindale moved to reject the bill, and upon that demanded the previous question.

Which was not seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the motion to reject the bill.

Messrs. Brown and Williams demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Robinson,
Beardsley,	Hadley,	Scott,
Beeson,	Hess,	Steele,
Case,	Hooper,	Taylor,
Caven,	Hubbard,	Wadge,
Collett,	Martindale,	Wood—20.
Dwiggins,	Miller,	

Those who voted in the negative were, Messrs.

Armstrong,	Dittemore,	Henderson,
Bobo,	Dougherty,	Johnson,
Bradley,	Elliott,	Keigwin,
Brown,	Francisco,	Lasselle,
Bird,	Fuller,	Morgan,
Carnahan,	Glessner,	Straud,
Cave,	Gray,	Williams—23.
Denbo,	Gregg,	

So the motion to reject did not prevail.

Mr. Wadge moved the order of business be suspended that Engrossed House Bill No. 23 might be taken up.

Which was agreed to.

Engrossed House Bill No. 23. A bill to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes, and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which took effect May 22, 1869.

Which was read a second time by title, and,

On motion,

Referred to the committee on corporations.

Mr. Green moved that the constitutional rule requiring bills to be read on three several days, be suspended, that Senate Bill No. 192 may be read a second time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Dittemore,	Hubbard,
Armstrong,	Dougherty,	Johnson,
Beardsley,	Dwiggins,	Keigwin,
Beeson,	Elliott,	Lasselle,
Bobo,	Francisco,	Martindale,
Bradley,	Fuller,	Miller,
Brown,	Glessner,	Morgan,
Bird,	Gray,	Robinson,
Carnahan,	Green,	Scott,
Case,	Gregg,	Steele,
Cave,	Hadley,	Straud,
Caven,	Henderson,	Taylor,
Collett,	Hess,	Wadge—41.
Denbo,	Hooper,	

No Senator voting in the negative.

So the constitutional rule was suspended.

Mr. Dittemore asked and obtained leave of absence for the committee on military affairs for Thursday and Friday of this week.

SPECIAL ORDER.

The hour having arrived for the consideration of Senate Bills Nos. 3 and 4 in the committee of the whole Senate, the same was taken up.

Senator Gray in the chair.

The committee arose and received a message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the speaker of the House to inform the Senate, that the House is ready to go into joint convention at 3 o'clock this afternoon for the election of Agent of State, and the Senate is invited to meet the House in joint convention at the hour and for the purpose named, and that seats will be provided for Senators on the right of the Speaker's stand.

The hour of three o'clock having arrived, being the time fixed for a joint convention of both Houses, the committee arose and Mr. Gray, chairman of the committee, made the following report :

MR. PRESIDENT:

The committee of the whole, to whom was referred Senate Bills Nos. 3 and 4, have had the same under consideration and have instructed me to report progress, and ask leave to sit again.

Which report was concurred in.

SPECIAL ORDER OF THE DAY.

The hour of three o'clock having arrived, being the hour fixed for a joint convention, for the election of Agent of State, in accordance with a resolution passed in joint convention January 12th, 1871, the Senate repaired to the Hall of the House of Representatives and took seats at the right of the Speaker, with the Lieut. Gov. Will Cumback, in the chair, and called the joint convention to order, and stated that the object of the convention was for the election of Agent of State.

Senator Brown put in nomination for that office, Mr. Patrick Shannon.

Senator Gray put in nomination for that office, Mr. Thomas C. Slaughter.

The Clerk proceeded to call the roll.

Those who voted for Mr. Patrick Shannon, on the part of the Senate were, Senators

Armstrong,	Dittemore,	Henderson,
Bobo,	Dougherty,	Johnson,
Bradley,	Elliott,	Keigwin,
Brown,	Francisco,	Lasselle,
Bird,	Fuller,	Morgan,
Carnahan,	Glessner,	Straud,
Cave,	Gregg,	Williams—22.
Denbo,		

Those who voted for Mr. Patrick Shannon, on the part of the House were, Messrs.

Abbett,	Gentry,	Mitchell,
Barnaby,	Goble,	Montgomery,
Britton,	Gordon of Cass,	Neff,
Browning,	Guthrie,	Oatley,
Bruner,	Hardin,	Rice,
Caldwell,	Hartley,	Sansberry,
Canthorn,	Hawley,	Simpson,
Coggswell,	Haynes,	Shutt,
Copner,	Henderson,	Stephens,
Cox,	Hendry,	Tarlton,
Cunningham,	Hynes,	Taughinbaugh,
Curtis,	McDonald,	Tebbs,
Davidson,	McFarland,	Walker,
Devol,	McGowan,	Warrum,
Donham,	Minick,	Zenor,
Galentine,	Miles,	Mr. Speaker—48.

Those who voted for Mr. Thomas C. Slaughter, on the part of the Senate were, Senators

Andrews,	Hadley,	Robinson,
Beeson,	Hess,	Scott,
Case,	Hooper,	Steele,
Caven,	Hubbard,	Taylor,
Dwiggins,	Martindale,	Wadge,
Gray,	Miller,	Wood—19.
Green,		

Those who voted for Mr. Thomas C. Slaughter, on the part of the House were, Messrs.

Ballenger,	Defrees,	Hooker,
Beeler,	Deputy,	Kennedy,
Biggs,	Friedley,	King,
Butterworth,	Furnas,	Kirkpatrick,
Calkins of Fulton,	Gordon of Boone,	Knight,
Calkins of Porter,	Heilman,	Lines,
Conner,	Hill,	Major,

Martin of Wayne,	Ruddell,	Taylor,
Martin of Putnam,	Sabin,	Washburn,
Millikan,	Sayers,	White,
Monroe,	Snodgrass,	Williams,
Myers,	Stephenson,	Wilson,
Netherton,	St. John,	Wood,
Rawles,	Stone,	Woodward,
Rhodes,	Strickland,	Wymer—45.

On the part of the Senate, Mr. Patrick Shannon, received.. 22 votes.

On the part of the House..... 48 votes.

Whole number of votes for Mr. Shannon were..... 70

On the part of the Senate, Mr. T. C. Slaughter, received.. 19 votes.

On the part of the House..... 45 votes.

Whole number of votes for Mr. Slaughter were.... 64

Whole number of votes cast one hundred and thirty-four.

Necessary to a choice, sixty-eight.

Mr. Shannon having received a majority of all the votes cast, the Lieutenant Governor declared him duly elected to the office of State Agent, for the term prescribed by law.

The business for which the joint convention had convened, being concluded, the Lieutenant Governor declared the same adjourned, *sine die*.

The Senators again in the Senate Chamber, the committee of the whole again resumed the consideration of Senate Bills Nos. 3 and 4, with Senator Gray in the chair.

Mr. Gray, from the committee of the whole, made the following report:

MR. PRESIDENT:

The committee of the whole, to whom was referred Senate Bills Nos. 3 and 4, have had the same under consideration, and have instructed me to report progress, and ask leave to sit again.

Which report was concurred in.

Mr. Hooper moved that the Senate do now adjourn.

It was not agreed to.

Mr. Taylor asked and obtained leave of absence for Mr. Green for the remainder of the day.

Mr. Denbo moved that the Senate do now adjourn.

It was not agreed to.

Mr. Martindale moved that the Senate do now go into the committee of the whole for the further consideration of Senate Bills Nos. 3 and 4.

It was not agreed to.

On motion by Mr. Wood,

The Senate adjourned.

THURSDAY MORNING.

FEBRUARY 9, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. A. C. Allen, of Presbyterian Church, Indianapolis.

The Journal of yesterday was read and approved.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the Speaker of the House to inform the Senate that he has signed Enrolled Acts of the House, Nos. 11, 268 and 2; and the same are herewith transmitted to the Senate for the signature of the President thereof.

The President laid before the Senate a message from the Governor in relation to money drawn by him for house rent, etc.

Mr. Glessner moved that two hundred copies of the message be printed for the use of the Senate.

Which was agreed to.

Mr. Glessner moved that the message be referred to the committee on fees and salaries.

Which was agreed to.

The President laid before the Senate a message from the Governor in relation to the report of the Chaplains of the prisons, North and South.

Which was,

On motion,

Referred to the committee on prisons.

The President also laid before the Senate the message of the Governor in relation to the tabular statement of county auditors.

Which was,

On motion,

Referred to the committee on railroads.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Andrews presented two petitions from the legal voters of the county of Scott, asking the enactment of a law suppressing the traffic in intoxicating liquors as a beverage, and declaring such traffic criminal.

Which were,

On motion,

Referred to the committee on temperance.

Mr. Caven presented the claim of John G. Greenawalt, Adjutant-General of Indiana.

Which was,

On motion,

Referred to the committee on claims without reading.

Mr. Rosebrongh presented a petition from the practicing attorneys of the county of Ripley, asking an increase of salaries of judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

REPORTS FROM STANDING COMMITTEES.

Mr. Hooper, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 80, "A bill relating to appeals to the Supreme Court," have had the same under consideration, and directed me to report the bill back to the Senate, recommending its passage.

Senator Glessner, of said committee, dissenting.

Mr. Brown, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 141, a bill to amend section 17 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, declaring an emergency, and legalizing certain acts of officers therein named, report that they have had the same under consideration, and have directed me to report the same back to the Senate, recommending its passage.

Mr. Wood, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 156, a bill to amend sections two and four of an act entitled "An act for the incorporation and continuance of building, loan fund, and saving associations," approved March 5, 1857, beg leave to report that they have had the same under consideration, and have directed me to report the same back to the Senate, recommending its passage.

Mr. Hubbard, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 90, a bill to amend sections 63 and 69, of chapter 12, of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency, have had the same under consideration, and have

instructed me to report the same back to the Senate, and recommend that it lie on the table.

Which was concurred in.

Mr. Keigwin, from the committee on public printing, submitted the following report:

MR. PRESIDENT:

The committee on public printing, to whom was referred Senate Resolution No. 15, have had the same under advisement, and report as follows, to wit:

Your committee received a communication from the Indianapolis Journal Company, in which they state that they are not willing to occupy more than one page of their paper each day to publishing the proceedings of the Legislature, in which they decline to make any propositions for said work, which letter accompanies this report. The Sentinel Company propose to publish a full abstract of the proceedings of this General Assembly; say to an amount of double what they are already publishing, and furnish two extra copies daily to each member for sixty dollars per day.

The committee have used due diligence to learn what would be the probable cost of an official reporter for this General Assembly, and from the best information we can get, it will cost the State twenty-five per cent. additional on what it is now costing, to publish the brivier reports for the remainder of the session.

Your committee therefor think it unadvisable to accept any of the propositions for publishing a full abstract report of the proceedings of this General Assembly, or the employment of an official reporter, and recommend that no action be taken in regard to this matter at this session.

We find from a statement received from the Auditor of State, that it has cost the State for printing and binding the brivier reports for the past six years, the sum of twenty-one thousand and thirty dollars and twenty-five cents, which statement we offer as a part of this report.

OFFICE OF AUDITOR OF STATE,
INDIANAPOLIS, Oct. 30, 1871.

Statement showing the amount paid to A. E. & W. H. Drapeir,

for printed sheets of brevier reports furnished to the State Printer during the six years ending December 31st, 1870:

1865, March 8.....	\$1,300 00
1865, April 5.....	600 00
1865, May 2.....	66 00
1865, December 22.....	3,077 60
1866, April 18.....	2,920 00
1867, March 13.....	4,500 00
1867, March 20.....	260 00
1869, October 25.....	2,426 66
1869, December 7.....	1,586 66
1870, February 17.....	1,306 66
1870, May 24.....	1,854 99
1870, July 13.....	1,131 68
Total.....	<hr/> \$21,030,25

The above is a correct statement from the books of this office.

J. C. SHOEMAKER,
Auditor of State.

Mr. Henderson, from the committee on fees and salaries, submitted the following report:

MR. PRESIDENT:

The committee on fees and salaries to whom was referred Senate Bill No. 155, a bill to enforce the collection of fees taxed against defendants, who shall be convicted of any offense and sentenced to the penitentiary, have directed me to respectfully return the same to the Senate recommending that it be laid on the table.

Which was concurred in.

Mr. Caven, from the committee on phraseology, arrangement of bills and enrolled bills, made the following report:

MR. PRESIDENT:

The committee on phraseology, arrangement of bills and enrolled bills, to whom was referred Senate Joint Resolution No. 6, entitled a joint resolution for the adjustments and collection of claims in favor

of the State of Indiana, report that they have had the same under consideration, and find that the same is correctly enrolled.

Which was concurred in.

Mr. Hubbard, from the committee on phraseology, and arrangement of bills and enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 21, an act to amend section 39 of an act entitled "An act defining felonies, and prescribing punishment therefor," would report that they have compared the same, and find that it is correctly enrolled.

Which was concurred in.

Mr. Williams, from the committee on swamp lands, submitted the following report:

MR. PRESIDENT:

The committee on swamp lands, to whom was referred Senate Bill No. 115, "A bill to distribute the surplus swamp land fund now in the State Treasury, to the counties from whom it was collected," have had the same under consideration, and direct me to report the same back, and recommend its passage.

Mr. Williams moved to suspend the order of business to take up Senate Bill No. 115.

Which was agreed to.

Senate Bill No. 115. A bill to distribute the surplus swamp land fund, now in the State Treasury, to the counties from whom it was collected.

Was read a second time.

Mr. Williams moved to suspend the constitutional rule requiring bills to be read on three several days that the bill may be read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Keigwin,
Beeson,	Francisco,	Lasselle,
Bradley,	Fuller,	Miller,
Bird,	Gray,	Morgan,
Carnahan,	Green,	Rosebrough,
Case,	Gregg,	Steele,
Cave,	Henderson,	Straud,
Caven,	Hess,	Taylor,
Collett,	Hubbard,	Williams,
Denbo,	Johnson,	Wood—31.
Dwiggins,		

Those who voted in the negative were, Messrs.

Hooper,	Robinson,	Scott—4.
Martindale,		

So the constitutional rule was not suspended.

Mr. Dwiggins moved to recommit the bill to the committee on the judiciary, with instructions to inquire if the fund does not belong to the school fund.

Mr. Hooper moved to amend by saying the committee on claims. Which was accepted by Mr. Dwiggins.

The motion then, as amended, was agreed to.

Mr. Keigwin offered the following:

Resolved, That the committees on prisons, printing, public buildings, military affairs, and temperance, be authorized to employ a clerk, who shall perform the duties required of him by each of the committees; and that the Doorkeeper be instructed to furnish a room for the meetings of said committees.

Which resolution was adopted.

Mr. Martindale introduced

Senate Joint Resolution No. 9. A joint resolution directing the disposition to be made of certain Indiana five per cent. bonds or

stocks now in the custody of the Secretary of the Treasury of the United States.

Which was read a first time.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Fosdick,	Keigwin,
Beardsley,	Francisco,	Lasselle,
Beeson,	Fuller,	Martindale,
Bradley,	Glessner,	Miller,
Brown,	Gray,	Morgan,
Bird,	Green,	Robinson,
Carnahan,	Gregg,	Rosebrough,
Case,	Henderson,	Scott,
Cave,	Hess,	Steele,
Caven,	Hooper,	Straud,
Collett,	Hubbard,	Taylor,
Denbo,	Johnson,	Wood—37.
Dwiggins,		

No Senator voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Bradley moved to suspend the regular order of business, and take up Senate Bill No. 53.

It was agreed to, and,

Senate Bill No. 53 was read a second time.

Mr. Bradley moved to suspend the constitutional rule, requiring bills to be read on three several days, that Senate Bill No. 53 may be considered as engrossed and read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Keigwin,
Beardsley,	Francisco,	Lasselle,
Beeson,	Fuller,	Martindale,
Bradley,	Glessner,	Miller,
Brown,	Gray,	Morgan,
Bird,	Green,	Robinson,
Carnahan,	Gregg,	Rosebrough,
Case,	Henderson,	Scott,
Cave,	Hess,	Steele,
Caven,	Hooper,	Straud,
Collett,	Hubbard,	Taylor,
Denbo,	Johnson,	Wood—36.

No Senator voting in the negative.

So the constitutional rule was suspended.

Senate Bill No. 53. A bill to authorize trustees to sell real estate, and to invest the proceeds of sale for the benefit of their *cestui que* trusts.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Keigwin,
Beardsley,	Fosdick,	Lasselle,
Beeson,	Francisco,	Martindale,
Bradley,	Fuller,	Miller,
Brown,	Glessner,	Morgan,
Bird,	Green,	Robinson,
Carnahan,	Gregg,	Rosebrough,
Case,	Henderson,	Steele,
Cave,	Hess,	Straud,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wood—35.
Denbo,	Johnson,	

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

INTRODUCTION OF BILLS.

Mr. Glessner introduced

Senate Bill No. 197. A bill creating the Twenty-Sixth Judicial District, composed of the counties of Shelby, Bartholomew and Johnson, fixing the time of holding courts therein, providing for return of process, and repealing all laws in conflict therewith.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Steele introduced

Senate Bill No. 198. A bill in relation to orphans' asylums, and the children entrusted to their care.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Steele, by consent, presented a petition from the citizens of the State of Indiana, asking for the enactment of a law providing for the correct registration, and permanent record of marriages, births and deaths, occurring in our State, and with it, introduced

Senate Bill No. 199, a bill to provide for the registration of births, marriages and deaths in the State of Indiana.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Keigwin introduced

Senate Bill No. 200. A bill to fix the liability of express com-

panies for the loss of packages, or parts of packages, entrusted to them for carriage.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Keigwin introduced

Senate Bill No. 201. A bill to amend an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," approved June 18th, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Gray introduced

Senate Bill No. 202. A bill to amend section one of an act entitled "An act defining who shall be competent witnesses in any court or judicial proceeding in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act."

Was read a first time and passed to a second reading on to-morrow.

Mr. Taylor introduced

Senate Bill No. 203. A bill fixing the weights of salted or cured fish, regulating the sales thereof, and providing for the punishment of violations of the provisions hereof.

Was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Miller,
The Senate adjourned.

THURSDAY 2 O'CLOCK P. M.

The Senate met.

On motion by Mr. Martindale,

The Senate resolved itself into committee of the whole Senate to take into consideration Senate Bills Nos. 3 and 4,

Mr. Gray, in the chair.

Mr. Gray, from the committee of the whole Senate, made the following report :

MR. PRESIDENT:

I am directed by the committee of the whole Senate to report back to the Senate, Senate Bills Nos. 3 and 4, without recommendation, and ask that the committee be discharged.

Which was agreed to.

On motion by Mr. Green,
The order of business was suspended, and

Senate Bill No. 180. A bill declaring public squares so marked on the plats of towns not specifically donated to any purpose, to be a grant for common school purposes, and authorizing school trustees or the township trustees of such townships, to take possession of, and erect school buildings thereon.

Was read a second time by title, and,
On motion,
Referred to the committee on corporations.

On motion by Mr. Dwiggin,
The order of business was suspended, and

Senate Bill No. 188. A bill defining certain felonies, prescribing the punishment therefor, repealing all laws in conflict therewith, and declaring an emergency.

Which was read a second time by title, and,
On motion,
Referred to the committee on the judiciary.

On motion by Mr. Taylor,
The order of business was suspended, and

Senate Bill No. 174. A bill for an act to amend an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12th, 1869.

Which was read a first time, and,
On motion,
Referred to the committee on railroads.

On motion by Mr. Wood,
The order of business was suspended, and

Senate Bill No. 185. A bill declaring the true intent and meaning of an act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies, approved May 12th, 1869, and legalizing certain elections held under said act.

Which was read a second time, and,
On motion,
Referred to the committee on corporations.

JOINT RESOLUTIONS.

Mr. Carnahan introduced

Joint Resolution No. 10. A joint resolution in favor of the passage of an act by Congress to extend the jurisdiction of the Light-House Board, so as to include the Mississippi, Missouri, and Ohio rivers, and to arrange these rivers into one or more light-house districts.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Lasselle,
Beardsley,	Fosdick,	Martindale,
Beeson,	Francisco,	Miller,
Bradley,	Glessner,	Morgan,
Brown,	Gray,	Robinson,
Bird,	Green,	Rosebrough,
Carnahan,	Gregg,	Scott,
Case,	Henderson,	Steele,
Cave,	Hess,	Strand,
Caven,	Hubbard,	Taylor,
Collett,	Johnson,	Williams,
Denbo,	Keigwin,	Wood—37.
Dwiggins,		

No Senator voting in the negative.

So the resolution passed.

The question being, shall the title read stand as the title of the joint resolution?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Johnson moved that the order of business be suspended that Senate bills be read by title, and referred to appropriate committees.

Which was agreed to.

Senate Bill No. 162. A bill authorizing the re-assessment of lands for plank, macadamized and gravel road purposes, in all cases where an assessment has once been made, which for any cause is invalid, and prescribing the manner of assessing and collecting the same, and repealing all laws in conflict therewith.

Which was read a second time by title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 164. A bill to make further provision for the care and treatment of the insane of this State.

Which was read a second time by title, and,

On motion,

Referred to the committee on benevolent institutions.

Senate Bill No. 165. A bill to amend section two of an act entitled "An act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.

Which was read a second time by title, and,

On motion,

Referred to the committee on county and township business.

Senate Bill No. 166. A bill in relation to the taxation of lands in towns, and repealing all laws inconsistent therewith.

Which was read a second time by title, and,

On motion,

Referred to the committee on county and township business.

Senate Bill No. 167. A bill to amend sections 61, 68, 69 and 70, of an act entitled "An act to repeal all general laws now in force

for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as pertain thereto," approved March 14, 1867.

Which was read a second time by title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 168. A bill prescribing certain of the duties of the clerks, auditors, sheriffs and treasurers of the several counties of this State, fixing their compensation, prescribing penalties for their failure to discharge their duties, regulating the appointment of bailiffs and their allowances, and repealing all laws in conflict with the provisions hereof.

Which was read a second time by title, and,

On motion,

Referred to the committee on county and township business.

Senate Bill No. 169. A bill to amend the third section of an act entitled "An act to provide for the government and discipline of the State prison, and to repeal 'An act to provide for the government and discipline of the State prison,' approved March 3, 1855, and all other laws, or parts of laws, inconsistent herewith," approved February 5, 1857.

Which was read a second time by title, and,

On motion,

Referred to the committee on prisons.

Senate Bill No. 170. A bill to legalize the official acts of the council and other officers of the corporation of Bluffton, in issuing and negotiating certain bonds to aid in the erection of the graded school building, under an act for the incorporation of the town of Bluffton, Wells county, Indiana, approved February 12, 1851.

Which was read a second time by title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 171. An act to amend the fourth section of an act entitled "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same

is provided, and matters properly connected therewith," approved February 25, 1865.

Which was read a second time by title, and,

On motion,

Referred to the committee on fees and salaries.

Senate Bill No. 172. A bill defining misdemeanors, and prescribing punishment therefor.

On motion by Mr. Taylor,

The bill was withdrawn.

Senate Bill No. 176. A bill conferring power upon common councils of cities, to compel property owners owning lots abutting on harbors, to repair docks and to dredge in front of such lots.

Which was read a second time by title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 177. A bill declaring express companies, and through line companies, associations or operators, common carriers, and providing for recovery in cases of non-performance by them.

Which was read a second time, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 178. A bill to authorize the construction of levees, dykes and drains by incorporated companies, and to repeal all former laws relating to the same subject, and declaring an emergency.

Which was read a second time by title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 179. A bill to prevent any person or persons, from hiring or allowing minors to sell, or give away intoxicating liquors in a less quantity than a quart at a time, and providing a penalty therefor, and declaring an emergency.

Which was read a second time by title, and,

On motion,

Referred to the committee on benevolent institutions.

Senate Bill No. 181. A bill relative to the salaries of certain officers therein named, providing the manner of paying the same, and the manner of re-imbursing the State therefor.

Which was read a second time by title, and,

On motion,

Referred to the committee on fees and salaries.

Senate Bill No. 182. A bill to amend section two of an act entitled "An act relating to the Baptist Educational Society for Indiana," approved January 16th, 1849.

Which was read a second time by title, and,

On motion,

Referred to the committee on corporations.

Senate Bill No. 183. A bill to amend the 108th section of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters, properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6th, 1865.

Which was read a second time by title, and,

On motion,

Referred to the committee on education.

Senate Bill No. 184. A bill to give the right of action for injuries in certain cases.

Which was read a second time by title, and,

On motion,

Referred to the committee on temperance.

Senate Bill No. 186. A bill to regulate the running of locomotives through incorporated cities or towns, and prescribing penalties for the violation thereof.

Which was read a second time by title, and,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Senate Bill No. 187. A bill to prescribe and regulate the service

of process upon railroad companies, whose principal office is not within the State, repealing conflicting laws, and declaring an emergency.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 189. A bill to regulate the granting of marriage licenses, and directing clerks of the Circuit Courts to transfer all books and papers pertaining thereto, to the office of recorder.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 190. A bill to create the ——— Judicial Circuit of the State of Indiana, and fixing the time of holding courts therein.

Which was read a second time by title, and,

On motion,

Referred to the committee on the organization of courts.

Senate Bill No. 191. A bill relating to the construction of a new State House, and to acquiring title to that part of square 48, in the city of Indianapolis, not owned by the State.

Which was read a second time by title, and,

On motion,

Referred to the committee on public buildings.

Senate Bill No. 193. A bill to fix the times of holding the Court of Common Pleas, in the counties of Greene, Owen, Clay, Putnam and Morgan, and repealing all laws in conflict herewith, and declaring an emergency.

Which was read a second time by title, and,

On motion,

Referred to the committee on the organization of courts.

Senate Bill No. 196. A bill to amend sections two and three of an act entitled "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to

apportion the same among the several counties of the State," approved February 26th, 1867.

Which was read a second time by title, and,

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 195. An act defining misdemeanors, and declaring penalties therefor.

Which was read a second time by title, and,

On motion,

Referred to the committee on agriculture.

Mr. Glessner moved to suspend the constitutional rule requiring bills to be read on three several days, that Senate Bill No. 197, might be read a second time by title, and referred to the appropriate committee.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Fuller,	Lasselle,
Beeson,	Glessner,	Martindale,
Bradley,	Gray,	Miller,
Bird,	Green,	Morgan,
Carnahan,	Gregg,	Robinson,
Case,	Henderson,	Rosebrough,
Cave,	Hess,	Steele,
Caven,	Hooper,	Strand,
Collett,	Hubbard,	Taylor,
Denbo,	Johnson,	Williams,
Dwiggins,	Keigwin,	Wood—34.
Francisco,		

No Senator voting in the negative.

So the constitutional rule was suspended, and

Senate Bill No. 197. A bill creating the Twenty-Sixth Judicial District, composed of the counties of Shelby, Bartholomew and John—
S. J.—35

son, fixing the time of holding courts therein, providing for return of process, and repealing all laws in conflict herewith.

Which was read a second time, and,

On motion,

Referred to the committee on organization of courts.

Message from the House, by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate, that the House has passed engrossed Senate Bill No. 145, entitled "An act fixing the time of holding courts in the Twelfth Judicial Circuit, repealing all laws in conflict herewith, and declaring an emergency," and the same is herewith transmitted to the Senate.

I am directed by the Speaker of the House to inform the Senate, that the House has passed engrossed House Bill No. 122, entitled "An act to appropriate \$150.00 for the distribution of the report of the Superintendent of Public Instruction," and the same is herewith transmitted to the Senate.

I am directed by the Speaker of the House to inform the Senate, that the House has passed engrossed House Bill No. 191, entitled "An act supplementary to an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6th, 1852, and the same is herewith transmitted to the Senate.

Also, that the Speaker has signed enrolled joint resolution No. 6, and enrolled act No. 21, of the Senate, and the same are returned to the Senate.

I am directed by the Speaker of the House to inform the Senate, that the House has passed engrossed House Bill No. 96, entitled "An act to amend section 45 of an act to provide for the vacating and change of highways," approved June 17, 1852.

Also, engrossed House Bill No. 42, entitled "An act to amend section 11 of an act to allow county commissioners to organize turnpike companies."

Also, engrossed House Bill No. 152, entitled "An act authorizing the issue of *subpoena duces tecum* for certain officers, and requiring them in certain cases to produce original records, bonds and other instruments in evidence."

Also, engrossed Bill No. 180, entitled "An act in relation to the disability of Circuit Judges to hold and discharge the duties of their courts, and providing for the appointment of judges *pro tem* during the disability of said judges elect."

Also, engrossed House Bill No. 101, entitled "An act to amend section 9 of an act to enable incorporated towns to lay out, open, grade and improve streets and alleys, etc."

All of which is herewith respectfully transmitted to the Senate.

SPECIAL ORDER.

Senate Bill No. 144. A bill to abolish the Common Pleas Courts and the Criminal Circuit Courts, and conferring the jurisdiction and business thereof upon the Circuit Courts; defining the duties of the Circuit Courts and clerks in regard thereto; dividing the State into judicial circuits; providing for the election and compensation of judges thereof, and prosecuting attorneys; repealing all laws in conflict herewith, and prescribing when this act shall take effect, being the special order for this hour, the same was taken up.

Mr. Bradley moved that Senate Bill No. 144 be referred to a select committee of eleven, to consist of one from each Congressional District of the State.

Which was agreed to, and

The Chair appointed the following Senators as such committee:

1st District.....	B. S. Fuller.
2d District.....	Geo. W. Denbo.
3d District.....	M. K. Rosebrough.
4th District.....	Othniel Beeson.
5th District.....	John Caven.
6th District.....	H. D. Scott.
7th District.....	S. F. Wood.
8th District.....	John Green.
9th District.....	J. R. Bobo.
10th District.....	A. Y. Hooper.
11th District.....	James Bradley

Mr. Bradley moved to reconsider the vote by which Senate Bill No. 65 failed to pass.

Which was agreed to, and

Senate Bill No. 65 was placed upon the files.

On motion of Mr. Taylor,

Senate Bill No. 90 was taken from the table and placed upon the files.

Leave of absence was granted Mr. Case from to-morrow morning until next Tuesday night.

Mr. Beggs asked and obtained leave of absence until to-morrow evening.

Mr. Armstrong asked and obtained leave of absence until Monday afternoon.

Mr. Wadge also asked and obtained leave of absence until Saturday next.

On motion by Mr. Martindale,

Senate Bills Nos. 3 and 4 were recommitted to the committee on fees and salaries.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following concurrent resolution, to-wit:

Resolved, That the memorial of the business men of the State of Indiana, together with the resolutions and bills recommended by them, be and the same are hereby referred to a select committee of four, to act with a similar committee to be appointed by the Senate; and that such joint committee consider the same, and report upon the same as they shall see proper.

Resolved, That the concurrence of the Senate, in the appointment

of such joint committee, is hereby requested; and that the Clerk notify the Senate of the adoption of these resolutions.

In which the concurrence of the Senate is respectfully requested.

Which resolution was concurred in on the part of the Senate, and the Chair appointed Messrs. Martindale, Bradley, Francisco and Bird said committee, on behalf of the Senate.

Mr. Bradley moved that the memorial of the business men of the State be referred to said joint committee.

Which was agreed to.

House concurrent resolution on the subject of the removal of the capital:

WHEREAS, The subject of the removal of the National Capital from its present place to some more central and appropriate location, is now claiming public attention; and,

WHEREAS, The importance of the subject demands the gravest consideration by the people of all the States of the Union, and it is deemed in the highest degree important that immediate action should be taken thereon to prevent any useless expenditures of public funds on the present capital, until the question of re-location is finally and forever settled; therefore, be it

Resolved by the House of Representatives, (the Senate concurring therein,) That our Senators and Representatives in the Congress of the United States be, and they are hereby instructed to vote against all future appropriations and expenditures of the public moneys to be applied and disbursed for improvements of the National Capital in its present location.

Resolved, That considering the fact of the territorial extent, fertility, soil, and growth of the population in the great basin of the Mississippi Valley, it is but right and proper that the National Capital, in order that it may subserve the great national purposes of its existence, should be located centrally therein.

Resolved, That our Senators and Representatives in the Congress of the United States be, and are hereby instructed to press this matter upon the attention of Congress, and to use all proper and legitimate means to effectuate the removal of the capital from its present

location to where it will have centrality as to population, territory, wealth, political power, natural resources, and internal trade and commerce.

Which resolution was concurred in.

HOUSE BILLS ON SECOND READING.

Engrossed House Bill No. 265. A bill to amend an act entitled "An act prescribing the duties of, and fixing the compensation of State Agent," approved June 17, 1852.

Which was read a second time by title, and,

On motion,

Referred to the committee on finance.

Engrossed House Bill No. 79. A bill to extend the time for the completion of certain railroads, and to legalize the acts of their boards of directors.

Which was read a second time by title, and,

On motion,

Referred to the committee on railroads.

HOUSE BILLS ON FIRST READING.

Engrossed House Bill No. 105. A bill entitled "An act allowing persons to make certain improvements on the public highways, and providing the manner of payment therefor, and declaring an emergency."

Which was read a first time, and passed to a second reading on to-morrow.

Engrossed House Bill No. 88. A bill authorizing coroners in certain cases to appoint special constables, and defining their duties, and requiring coroners and justices to file papers of inquest in the clerk's office of said county.

Which was read a first time, and passed to a second reading on to-morrow.

Engrossed House Bill No. 72. A bill to amend the 16th section of chapter 6th of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing,

signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith." approved March 11th, 1861, with an emergency clause.

Which was read a first time, and passed to a second reading on to-morrow.

Engrossed House Bill No. 67. A bill to amend section 5th of an act entitled "An act concerning mortgages," approved May 4th, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Engrossed House Bill No. 237. A bill to provide the mode in which vacancies in the board of trustees of the University of the State of Indiana shall be filled, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency.

Which was read a first time.

Mr. Johnson moved to suspend the constitutional rule requiring bills to be read on three several days, that Senate Bill No. 237 be read a second time by title for reference.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Beardsley,	Fosdick,	Hubbard,
Bradley,	Francisco,	Johnson,
Bird,	Fuller,	Lasselle,
Carnahan,	Glessner,	Miller,
Case,	Gray,	Morgan,
Cave,	Green,	Robinson,
Caven,	Gregg,	Rosebrough,
Collett,	Henderson,	Steele,
Denbo,	Hess,	Straud,
Dwiggins,	Hooper,	Taylor—31.
Elliott,		

Those who voted in the negative were, Messrs.

Beeson,

Martindale—2.

So the rule was not suspended.

Engrossed House Bill No. 75. A bill making illegal and void all contracts for the payment of attorney's fees by the promisor in such contract.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Lasselle asked and obtained leave of absence for the afternoon.

Engrossed House Bill No. 151. A bill to encourage the destruction of foxes.

Which was read a first time, and passed to a second reading on to-morrow.

Engrossed House Bill No. 4. A bill in relation to voluntary assignment in trust, for the benefit of creditors, and defining the powers of Courts of Common Pleas in relation thereto in certain cases, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

SENATE BILLS ON SECOND READING.

Senate Bill No. 119. A bill supplemental to an act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11th, 1867, the above entitled act having been approved May 14th, 1869, and repealing so much of said act as effects such companies not organized at the taking effect of this act.

Which was read a second time, with amendments reported by the committee, and amendments concurred in.

Mr. Gregg offered the following amendment:

Amend by inserting the following words, "nothing in this act

shall be so construed so as to affect or defeat any suit now pending in court.

The question being, upon the adoption of the amendment.

The ayes and noes were demanded by Messrs. Gregg and Keigwin.

Those who voted in the affirmative were, Messrs.

Brown,	Francisco,	Johnson,
Bird,	Fuller,	Keigwin,
Carnahan,	Glessner,	Martindale,
Cave,	Gray,	Rosebrough,
Denbo,	Gregg,	Straud—15.

Those who voted in the negative were, Messrs.

Andrews,	Fosdick,	Miller,
Beardsley,	Green,	Morgan,
Beeson,	Henderson,	Robinson,
Case,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wood—19.
Dwiggins,		

So the amendment was not adopted.

The bill was then ordered engrossed, and passed to a third reading on to-morrow.

On motion of Mr. Beeson,

The Senate adjourned.

FRIDAY MORNING.

FEBRUARY 10, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. A. Hanway, of the Massachusetts Avenue Church, Indianapolis.

The Journal of yesterday was read and approved.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate, that the House has passed engrossed House Bill No. 6, entitled "An act to provide for the assessment and collection of taxes for municipal purposes on the shares owned in banks," etc.

Also, House Bill No. 167, entitled "An act to amend sections 1 and 2 of an act creating the Twenty-Sixth Judicial Circuit, and fixing the times of holding courts therein, and fixing the times of holding the courts in the Fourth Judicial Circuit," approved April 22d, 1869.

Also, House Bill No. 144, entitled a bill to provide for the time of holding the Circuit Courts in the Ninth Judicial Circuit, and to repeal all laws in conflict therewith.

And the same are herewith transmitted to the Senate.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has appointed the following named Representatives, upon the part of the House, as members of the joint committee, to whom was

referred the memorial and bills of the Commercial Convention, to wit:

Messrs. Cauthorn, Defrees, Sansberry and Stone.

Mr. Fuller moved that the order of business be suspended that House Bill No. 6 might be taken up.

Which was agreed to.

Engrossed House Bill No. 6. A bill to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owned in banks and banking associations doing business in the State.

Was read a first time.

Mr. Fuller moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be read a second time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Andrews,	Fuller,	Miller,
Beeson,	Glessner,	Morgan,
Beggs,	Gray,	Robinson,
Cave,	Gregg,	Rosebrough,
Caven,	Henderson,	Straud,
Denbo,	Johnson,	Williams,
Elliott,	Martindale,	Wood—23.
Fosdick,		

Those who voted in the negative were, Messrs.

Beardsley,	Collett,	Hubbard,
Brown,	Dwiggins,	Keigwin,
Bird,	Francisco,	Scott,
Carnahan,	Hess,	Steele,
Case,	Hooper,	Taylor—15.

So the constitutional rule was not suspended.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed Senate Bill No. 105, being "An act to abolish the Criminal Circuit Court, in the county of Jefferson, in the State of Indiana," etc., with the following amendment, to wit:

In section five, in line five, after the word "misdemeanor," add the following words: And felonies, as provided by the 17th section of an act to establish the Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for judges thereof, approved May 14, 1852, and took effect March 5, 1859.

In which action of the House, the Senate is requested to concur.

On motion by Mr. Francisco,

The amendments by the House were taken up and concurred in.

Mr. Green moved that the order of business be suspended that House Bill No. 180 may be read a first time.

Which was agreed to.

Engrossed House Bill No. 180. A bill relative to the disability of Circuit Judges to hold and discharge the duties of their offices, and providing for the appointment of judges *pro tem.* during the disability of said judge.

Was read a first time.

Mr. Green moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill may be read a second time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Andrews,	Bobo,	Carnahan,
Beardsley,	Bradley,	Case,
Beeson,	Brown,	Cave,
Beggs,	Bird,	Caven,

Collett,	Gregg,	Morgan,
Denbo,	Henderson,	Robinson,
Dwiggins,	Hess,	Rosebrough,
Elliott,	Hubbard,	Scott,
Fosdick,	Hooper,	Steele,
Francisco,	Johnson,	Straud,
Fuller,	Keigwin,	Taylor,
Glessner,	Martindale,	Williams,
Gray,	Miller,	Wood—40.
Green,		

No Senator voting in the negative.

So the constitutional rule was suspended, and the bill read a second time.

Mr. Green moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill be considered as engrossed, and read a third time now.

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Johnson,
Beardsley,	Elliott,	Keigwin,
Beeson,	Fosdick,	Martindale,
Beggs,	Francisco,	Miller,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Robinson,
Brown,	Gray,	Rosebrough,
Bird,	Green,	Scott,
Carnahan,	Gregg,	Steele,
Case,	Henderson,	Straud,
Cave,	Hess,	Taylor,
Caven,	Hooper,	Williams,
Collett,	Hubbard,	Wood—40.
Denbo,		

No Senator voting in the negative.

So the constitutional rule was suspended, the bill considered as engrossed, and House Bill No. 180 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Keigwin,
Beardsley,	Fosdick,	Lasselle,
Beeson,	Francisco,	Martindale,
Beggs,	Fuller,	Miller,
Bobo,	Glessner,	Morgan,
Bradley,	Gray,	Robinson,
Bird,	Green,	Rosebrough,
Carnahan,	Gregg,	Scott,
Case,	Henderson,	Steele,
Cave,	Hess,	Straud,
Caven,	Hooper,	Taylor,
Collett,	• Hubbard,	Williams,
Denbo,	Johnson,	Wood—39.
Dwiggins,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Morgan moved that the order of business be resumed where left off last evening.

Which was not agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Scott, presented a memorial of Mary E. Coburn, widow of J. A. Coburn, to the General Assembly, for the allowance of the amount due for services rendered by her husband in securing claims due the State from the General Government.

Which was,

On motion,

Referred to the committee on claims.

Mr. Bird, presented a memorial in behalf of the lessees of the

Wabash and Erie Canal, asking that an appropriation be made of \$50,000 to be expended exclusively in running and repairing of structures, and the dredging of the canal during the year 1871.

On motion by Mr. Bird,

The petition was referred to a special committee, consisting of Messrs. Bird, Bradley, Scott, Miller, Collett, Brown and Lasselle.

REPORTS FROM STANDING COMMITTEES.

Mr. Williams, submitted the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 161, a bill to amend section six of an act to provide for the custody and management of the notes, bonds, and mortgages arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners, have had the same under consideration, and report the same back to the Senate with the following amendments :

After the words "section six" in the second line, the following words be inserted: "of the above entitled act;" that the sixth word in the seventh line be changed to "ten;" that "8 per cent." be stricken out, and "7 per cent." be inserted. And when so amended, the committee would recommend its passage.

Mr. Martindale, from the committee on fees and salaries, submitted the following report :

MR. PRESIDENT :

The committee on fees and salaries to whom was referred Senate Bill No. 3, a bill regulating the fees of certain officers therein named, and prescribing penalties for the violation of its provisions.

And also, Senate Bill No. 4, a bill prescribing certain of the duties of the clerks, auditors, sheriffs, treasurers and county commissioners of the several counties of this State, fixing their compensation, prescribing penalties for their failure to discharge their duties, regulating the appointment of bailiffs and their allowance, and repealing all laws in conflict with the provisions hereof, have had the same under consideration, and have agreed to consolidate

the two bills, taking such provisions as are meritorious from each and uniting them, and have directed us to return Senate Bill No. 4, as herewith reported with amendments, with the recommendation that it pass, and also to return Senate Bill No. 3, respectfully recommending that it lie upon the table.

On motion by Mr. Henderson,

The order of business was suspended, and Senate bill No. 4, was taken up and read a second time by sections.

Mr. Gray moved to amend the 17th line of section 8, by adding the words "on default."

Which was agreed to.

Mr. Gray moved to amend the 8th section by adding to line 17½ as follows: "every trial where litigated \$1.00.

Which was agreed to.

Mr. Gray moved to amend the 27th line of section 8, as follows: strike out "50 cents" and insert "\$1.00."

Which was agreed to.

Mr. Denbo moved to amend the 3d line of section 9, as follows: strike out "\$2.50" and insert "\$2.00."

Mr. Dwiggins moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, on the adoption of the amendment by Mr. Denbo.

Messrs. Glessner and Denbo, demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Denbo,	Glessner,	Rosebrough,
Francisco,	Hooper,	Straud—8.
Fuller,	Lasselle,	

Those who voted in the negative were, Messrs.

Beardsley,	Dwiggins,	Keigwin,
Beeson,	Elliott,	Martindale,
Beggs,	Fosdick,	Miller,
Bradley,	Gray,	Morgan,
Bird,	Green,	Robinson,
Carnahan,	Gregg,	Scott,
Case,	Henderson,	Steele,
Cave,	Hess,	Taylor,
Caven,	Hubbard,	Williams,
Collett,	Johnson,	Wood—30.

So the amendment was not adopted.

Mr. Bradley moved that the Senate do now adjourn.

It was agreed to.

FRIDAY, FEBRUARY 10, 1871, 2 O'CLOCK P. M.

The Senate met.

On motion of Mr. Gray,

The order of business was suspended, when he offered the following:

Resolved, That when the Senate adjourn it adjourn until Monday, two o'clock P. M.

The question being upon the adoption of the resolution offered by Mr. Gray.

The ayes and noes were demanded by Messrs. Williams and Cave.

Those who voted in the affirmative were, Messrs.

Andrews,	Beardsley,	Case,
Armstrong,	Beeson,	Cave,

Denbo,	Green,	Martindale,
Dwiggins,	Hadley,	Robinson,
Elliott,	Hess,	Rosebrough,
Fuller,	Hooper,	Scott,
Gray,	Johnson,	Steele—21.

Those who voted in the negative were, Messrs.

Beggs,	Dougherty,	Straud,
Bird,	Gregg.	Taylor,
Carnahan,	Henderson,	Williams,
Caven,	Morgan,	Wood—13.
Collett,		

So the resolution was adopted.

Mr. Martindale moved that the order of business be suspended for the purpose of taking up engrossed House Bill No. 58.

Which was agreed to, and

Engrossed House Bill No. 58. A bill to establish Superior Courts, defining their jurisdiction, and providing for the election and compensation of the judges thereof.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Fosdick,	Hubbard,
Armstrong,	Fuller,	Martindale,
Beardsley,	Gray,	Miller,
Beeson,	Green,	Morgan,
Bird,	Gregg,	Robinson,
Case,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Henderson,	Taylor,
Dwiggins,	Hess,	Wadge
Elliott,	Hooper,	Wood—30.

Those who voted in the negative were, Messrs.

Alsop,	Dougherty,	Keigwin,
Carnahan,	Francisco,	Rosebrough,
Cave,	Glessner,	Straud,
Denbo,	Johnson,	Williams—13.
Dittemore,		

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 271. Entitled a bill providing for the protection of fish, and repealing all laws in conflict with the same, and the same is hereunto transmitted to the Senate.

Also, House Bill No. 173. Entitled an act to fix the time for holding Circuit Courts, and length of terms thereof, in the counties composing the Seventh Judicial Circuit of Indiana.

Also, engrossed House Bill No. 58. Entitled an act to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of the judges thereof, with the following engrossed amendment thereto,

And the same are herewith returned to the Senate.

Mr. Hooper, by the unanimous consent of the Senate, made the following report.

MR. PRESIDENT:

The committee on finance to whom was referred engrossed House Bill No. 265, a bill to amend an act entitled, "An act prescribing the duties of and fixing the compensation of State Agent,"

approved June 17th, 1852, have had the same under consideration, and directed me to report the same back to the Senate and recommend the adoption of the following amendment.

After the word "stationary" in eighth line, section 4, insert the words "office rent and incidental expenses of his office," and when so amended the committee respectfully recommend the passage of the bill.

Mr. Wood moved that Senate Bill No. 9 be ordered engrossed.

Which was agreed to.

Mr. Glessner, by the unanimous consent of the Senate, made the following report :

MR. PRESIDENT:

A majority of the committee on railroads, to whom was referred Senate Bill No. 174, entitled a bill for an act to amend an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12th, 1869, have had the same under consideration and have directed me to report the same back recommending its passage, with the following amendments, to wit :

Insert the following words immediately after the word "represented" in the last line of the first section, "and all stocks issued under the provisions of this act to individuals or to townships, for the benefit of the school fund, shall be deducted from the amount of stock that may be subscribed and paid for in the name of the counties or townships, pursuant to the provision of the said act, approved May 12th, 1869." And also strike out wherever it may occur in the bill the word "Treasurer" and insert in lieu thereof the words "Township Trustee."

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed House Concurrent Resolution No. 11, in relation to the removal of the National Capital, and the same is hereunto transmitted to the Senate for the signature of the President thereof.

Also, I am directed by the House to inform the Senate that the has concurred in Senate amendments to House Bill No. 58, establishing Superior Courts.

Also, I am instructed by the House to inform the Senate that the House has concurred in the Senate Joint Resolution No. 9, directing the disposition to be made of certain Indiana five per cent. bonds or stocks now in custody of the Secretary of the Treasury of the United States.

Also, that the House has passed engrossed House Bill No. 106, entitled a bill to prevent electors from voting for supervisors in certain cases.

Also, House Bill No. 55. Entitled an act authorizing turnpike companies organized under the act of March 6th, 1865, to adopt the acts of May 1852, etc., etc.

And the same are herewith transmitted to the Senate.

By unanimous consent,

The Senate proceeded to the consideration of Senate Bill No. 4, which was pending at adjournment, and the same was taken up.

Mr. Johnson moved to strike out, in line 5 of sec. 18, "one dollar," and insert "two dollars."

Mr. Glessner moved to amend by striking out lines five and six in section 18.

Which amendment was agreed to, and the original amendment as amended was then adopted.

Mr. Dwiggins moved to amend the 18th section, by striking out of lines eight and nine the words "not to be compelled to."

Which was agreed to.

On motion of Mr. Brown,

Leave of absence was granted to the committee on corporations during the afternoon.

Mr. Dwiggins asked and obtained leave of absence until Tuesday next.

Mr. Martindale moved to strike out the words "Clerks' and Treasurers' fees," in the first line of sec. 22.

Which was agreed to.

Mr. Dwiggins moved to strike out "they," in the third line of section 22, and insert "be."

Which was agreed to.

Mr. Glessner moved to strike out "seventy-five," and insert "fifty."

Mr. Rosebrough moved to amend by inserting "one dollar."

Which amendment to the amendment was agreed to, and the amendment as amended was adopted.

Mr. Martindale moved to strike out of line 19 "——," and insert "one dollar."

Mr. Glessner moved to amend by inserting "fifty."

Which amendment was agreed to, and the original motion as amended was then adopted.

Mr. Denbo moved to strike out the eighth line of section 12.

Which was agreed to.

By unanimous consent,

Mr. Bradley, from the judiciary committee, submitted the following report:

MR. PRESIDENT:

A majority of the committee on the judiciary, to whom was referred the report of the committee to ascertain the number and duties of the Assistant Doorkeeper, have had the subject under consideration, and have construed the law on that subject to be that all persons appointed by the Doorkeeper to assist him in the discharge of any of the duties which by law are devolved upon, are included in the term "assistants," and are entitled to be paid the sum of five dollars per day. And your committee have ascertained that a similar construction has been given to similar laws on that subject for the last six years. And your committee are further of the opinion

that the word "employes," as used in said law, can have no effect, inasmuch as the Doorkeeper has no authority to employ any person other than those necessary to assist him in the discharge of his duties.

JAMES BRADLEY,
A. Y. HOOPER,
H. D. SCOTT,
J. CAVEN,
O. J. GLESSNER,
Committee.

Which report was concurred in.

By unanimous consent,

Mr. Hooper, from the committee on phraseology and arrangement of bills and enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on phraseology and arrangement of bills and enrolled bills, have carefully examined enrolled Senate Bill No. 105, "An act to abolish the Twenty-Ninth Judicial Circuit (Jefferson Criminal Circuit Court), and to transfer its business to the Circuit Court; to provide for the jurisdiction of the Circuit and Common Pleas Courts of Jefferson County in cases of felony and misdemeanors, and matters connected therewith," and respectfully report that they find said bill neatly and correctly enrolled.

Which report was concurred in.

Mr. Rosebrough moved to amend by striking out of line four, of section 18 (Bill 4,) "two dollars," and insert "one dollar and fifty cents."

Which was agreed to.

Mr. Glessner moved to strike out all after the word "affidavit," in line 46, and all of line 47.

Which was not agreed to.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the House

has passed engrossed House Bill No. 234, providing for a general system of common schools in all cities of thirty thousand or more inhabitants; and for the election of a board of school commissioners for such cities, and defining their duties and prescribing their powers, and providing for common school libraries within such cities.

Also Engrossed House Bill No. 63. An act to amend sections 62, 63, 65 and 66, of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.

And the same is transmitted to the Senate.

Mr. Denbo moved to add, after the 58th line, section 1, Senate Bill No. 4, the following: "Taking, recording and approving official bonds, \$2.00."

Mr. Scott moved to amend the amendment by striking out "two dollars," and insert "one dollar and fifty cents."

Which was agreed to.

The amendment as amended was agreed to.

Mr. Dwiggins offered the following:

Amend section 1, so that the same will read as follows, viz.:

For each writ, summons, or other process under seal, except execution, fee bill and subpoena fifty cents.

CLERK'S FEES IN CIRCUIT COURT.

For each subpoena, to include all witnesses of one county called for at one time.....	\$ 50
Except subpoenas for grand jury, and for each grand jury, subpoena ordered by the foreman.....	25
For each one hundred words of copy, of any record or paper, when required—three figures to be counted as one word.....	15
For filing each paper other than process, except in estates.....	05

For all entries on order book, or other record, when no specific fee is allowed, for each one hundred words—three figures counting as one word.....	15
For entering the dismissal of a cause.....	20
For entering and attesting the satisfaction of a judgment or decree.....	15
For receiving, entering, and reading the return of a verdict of a jury, or special finding of the court, of one hundred words or less.....	15
And for each one hundred therein, over one hundred.....	10
For entering a final judgment or decree, of one hundred words or less	15
And for each additional one hundred words.....	10
For docketing each cause in the several dockets of the court, including the judgment docket and fee books, if cause in court but one term.....	40
For docketing each cause in the several dockets of the court for each term after the first.....	30
For impanneling and swearing a jury.....	15
For swearing each witness.....	05
For making complete record, for each one hundred words—three figures to be counted as one word.....	10
For entering the continuance of a cause.....	20
For making out notice for non-resident and affidavit.....	50
For issuing marriage license, registering the same, and certificate of marriage, including affidavit.....	2 00
For recording certificate of estray.....	50
For taking, approving and attesting stay of execution.....	25
For issuing fee bill, execution or decree, sealing, certifying, docketing and entering return of same.....	1 00
For filing, recording and docketing a transcript of judgment to become a lien on real estate, and entering satisfaction thereof.....	1 00
For each certificate for borrower of school funds.....	50
For each affidavit prepared and written by and sworn before clerk.....	25
For giving and affixing jurat to affidavits	15
For each certificate and seal, except to process and affidavits, and except as to soldiers' and seamen's, their widows and heirs, application for pension or bounty.....	50
For each writ of habeas corpus.....	50

For taking a recognizance in a criminal cause.....	40
For entering a defendant's confession of a plea of guilty in a criminal cause.....	20
For entering a discharge of recognizance in a criminal cause..	25
For a docket fee in each civil cause, to be taxed to the losing party and paid to the county treasurer.....	2 00
For a jury fee in each cause tried by jury, to be taxed as other costs against the losing party, and paid to the county treasurer.....	5 00

CLERK'S FEES IN ESTATES.

In the settlement of decedents' estates and matters relating to guardianship, the following and no other fees shall be allowed or charged :

For each letter of guardianship or administration, and recording same, including all affidavits and bonds.....	\$1 00
For entering proof of a will and certificate thereof, including codicil.....	1 00
For making copies in regard to an estate or guardianship, for each one hundred words, four figures counting as one word.	10
For issuing notice of sale of decedent's lands, or other notice required in the settlement of an estate or guardianship.....	50
For making entries of orders, motions, and records, not herein provided, for each one hundred words.....	15
For each affidavit prepared by, and sworn before clerk, in estates or guardianships.....	25
For each affidavit sworn before clerk, with his jurat, in estates and guardianships.....	10
For entering each estate and guardianship in the several dockets of court.....	25
No estate or guardianship shall be docketed more than once, except upon the special order of the proper judge.	
For entering the continuance of an estate or guardianship, to be charged only when specially ordered by the court.....	15
For filing each paper in an estate or guardianship.....	03
The clerk shall record, in the proper books provided therefor, under the order of the court, the inventories, and sale bills, and reports of administrators, executors, and guardians, so far as the same show receipts and disbursements of money, and disposition of property; and for each hundred words	

written in making such records, counting four figures as a word, such clerks shall charge..... 10

SHERIFF'S FEES.

Each sheriff of the several counties of this State shall tax, upon the proper process in their hands, and return the same to the proper clerk, who shall enter them in the proper causes upon the fee books, by them kept as required in this act, the following fees and charge for services rendered by them :

For serving a writ and taking into custody each prisoner.....	\$ 50
For each mile traveled in going and returning to serve process.	10
For taking bail in a civil proceeding.....	25
For taking a recognizance and drawing it up in criminal cause.....	50
For returning each writ or other process:.....	10
For summoning a jury of twelve men, and mileage as above..	3 00
For executing a writ of possession, and mileage as above.....	1 00
For calling a jury in each cause.....	10
For serving subpoena on each witness.....	30
For serving a summons, each party served.....	50
For every person committed to jail, to be taxed in the cause or matter in which the imprisonment is had.....	50
For discharging every prisoner from jail.....	40
For attending a prisoner before a judge, or in court.....	50
For taking a valuation of land.....	75
For taking a replevin bond.....	75
For levying on property, and advertising same.....	1 00
For making a deed in sale of real estate on execution, or fee bill, including certificate of sale.....	2 00
For returning a writ of attachment, when property taken.....	25
For sale on execution, or decrees, on the first three hundred dollars, five per cent., and two per cent. on all over that sum.	
For collecting money without sale, one-half the above commission ; when paid to any other person than the sheriff, after demanded by him, one-fourth commission only shall be had.	
Such sheriff shall, in addition to the salary and commission elsewhere in this act, be allowed for taking each convict to the State prison, per mile, going and returning.....	15

And for each additional convict taken at the same time.....	10
Which shall be paid out of the State treasury, on the certificate of the Warden of the prison.	
And for boarding each prisoner lawfully in his charge, per day, (to be allowed by the county commissioners).....	50
For taking prisoners to another county same fees as in taking convicts to prison.	

Mr. Williams moved to lay the substitute on the table.

Which was agreed to.

Mr. Dittmore asked and obtained leave of absence for Mr. Keigwin, for the afternoon.

Mr. Steele asked and obtained leave of absence until Tuesday.

Mr. Hooper moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Williams offered the following amendment to section 19, line thirty-seven:

Strike out "two dollars" for marriage license, and insert "one dollar."

Which was not agreed to.

Mr. Fosdick moved to amend as follows:

Provided, a paper shall be construed to be any sheet or piece of paper, or sheets or pieces of paper attached or fastened together.

Which was not agreed to.

Mr. Martindale moved to strike out all of section —, from and including line thirteen to seventeen inclusive.

Which was agreed to.

Mr. Dwiggins moved to strike out of the ninety-first line "five," and insert "ten."

Which was agreed to.

Mr. Fuller moved to strike out all after the word "commission" in line 112; also, 113 and 114.

Which was agreed to.

Mr. Fuller moved to strike out of line 115, the words "all necessary expenses."

Which was agreed to.

Mr. Steele moved to amend by striking out of line 122, "fifty," and inserting "seventy-five."

Mr. Williams moved to amend by inserting "sixty."

Which amendment was agreed to.

The amendment as amended was then adopted.

Mr. Denbo offered the following amendment to insert after line ninety-one, the following:

"But he shall not charge for more miles than is necessarily traveled in going to the person named in the process residing farthest from the county seat, and returning therefrom."

Which was agreed to.

Mr. Steele moved that the Senate do now adjourn.

Which was not agreed to.

AUDITOR'S FEES.

Mr. Hadley moved to strike out of line 13 in section 2, "fifty," and insert "one dollar."

Which was agreed to.

Mr. Glessner moved to amend the 14th line by striking out "thirty," and inserting "one dollar."

Mr. Fuller moved to amend by saying 1,50.

It was not agreed to.

The question recurring on the motion by Mr. Glessner, to strike out "thirty cents" and insert "one dollar."

Which was agreed to.

Mr. Hadley moved to strike out in line four, section 2, "not to include tax lists;" also strike out "five" and insert "three."

Mr. Rosebrough moved to amend the amendment by striking out "three" and insert "five."

Mr. Beardsley offered the following resolution:

Resolved, That the whole subject of fees be referred to a committee composed of Messrs. Martindale, Denbo, Glessner, Dwiggins, Henderson, Williams and Steele, with instructions to perfect a bill out of those before the Senate, and report the same on next Thursday.

Which was adopted.

Mr. Caven offered the following:

WHEREAS, Willie Sullivan, has been acting as a Page in the Senate since its organization, under the belief that he had been regularly employed as such for the session, and he has served faithfully, and that his services were necessary; therefore,

Resolved, That the Doorkeeper place his name on the list of Pages of the Senate, and that he be allowed the same compensation as other Pages for the time he has served, from the beginning of the session, up to and including this day.

Which was adopted.

Mr. Dwiggins moved that the Senate do now adjourn.

It was agreed to.

MONDAY AFTERNOON.

FEBRUARY 13, 1871, 2 O'CLOCK.

The Senate met.

Prayer by Rev. W. W. Criley, of the Lutheran church.

Pending the reading of Friday's Journal,

Mr. Martindale moved that the further reading thereof be dispensed with,

Which was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Williams presented a petition from the citizens of the county of Knox, asking the passage of a law suppressing the traffic in intoxicating liquors as a beverage, and declaring such traffic criminal.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Martindale presented a petition from the Superintendent of Public Instruction asking that early and favorable action may be had on Senate Bills Nos. 40, 41, 107 and 111 and House Bill No. 234, accompanied by the following resolution:

Resolved, That Wednesday, February 15th inst., at 10½ o'clock, be made the hour and special order for the consideration of bills, in the following order, to wit: Senate Bills Nos. 40, 41, 60, 107, 111, and House Bills Nos. 122 and 234, on the same subject.

Which was adopted.

Mr. Francisco presented two petitions from sundry citizens of Jefferson county petitioning against the passage of any law to legalize

in any manner the assessments made by any plank, gravel, macadamized road company.

Which were,

On motion,

Referred to the committee on roads.

Mr. Miller presented a petition from the citizens of Miami county asking the passage of such amendments to the law, regulating turn-pike companies, as will enable companies to complete roads under construction, by such fair and equitable taxation as may seem just and proper.

Which was,

On motion,

Referred to the committee on roads.

Mr. Robinson presented a petition from the citizens of Decatur county asking the repeal of all laws authorizing the assessment or taxation of lands for the purpose of building gravel or macadamized roads.

Which was,

On motion,

Referred to the committee on roads.

Mr. Francisco presented a petition from the citizens of Jefferson county asking the repeal of all laws authorizing the assessment or taxation of lands for the purpose of building gravel or macadamized roads.

Which was,

On motion,

Referred to the committee on roads.

Mr. Armstrong presented a petition from the citizens of Jefferson county remonstrating against the passage of a law, or laws, either local or general, to legalize in any manner, the assessments so made by any gravel, plank or macadamized road company.

Which was,

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

Mr. Armstrong presented a petition from sundry citizens of the

State asking for the passage of an act requiring the registration of births, marriages and deaths.

Which was,

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

Mr. Collett presented the petition of M. G. Rhoades, of Vermillion county, praying the Legislature to inaugurate means for the adoption of a uniform mode of practice in Courts of Justice throughout the United States.

Which was,

On motion,

Referred to the committee on rights and privileges.

Mr. Henderson presented a petition from the citizens of Morgan county asking the passage of a strict and wholesome temperance law.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Taylor presented a petition from the citizens of Tippecanoe county asking the repeal of the most *objectionable* features of our divorce laws, and to enact such amendments as will guard their administration, so as to prevent, as much as possible, corruption and fraud.

Which was,

On motion,

Referred to the committee on the judiciary.

Mr. Beggs presented the petition of the officers of the Scippio and Drewersburg gravel road company asking the proceeding of the officers of said road in listing lots of lands for plank, macadamized and gravel road purposes be legalized.

Which was,

On motion,

Referred to the committee on roads.

REPORTS FROM STANDING COMMITTEES.

Mr. Brown submitted the following report :

MR. PRESIDENT :

The committee on corporations to whom was referred Senate Bill No. 48. A bill supplemental to an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and over-flowed lands, by incorporated companies, and to repeal all former laws relating to the same subject, which act took effect May 22, 1869," have had the same under consideration, and a majority of said committee have directed me to report the same back to the Senate, recommending the following amendments thereto, to wit :

First—Strike out the words "treasurer thereof" in fourth line, section 2, page one, printed bill, and insert in lieu thereof the word "corporation."

Second—Strike out the word "his" in sixth line of said section 2, page 2, printed bill, and insert in lieu thereof the word, "its."

Third—Strike out the word "treasurer" in same section, line, and page, and insert in lieu thereof the word "corporation."

Fourth—Between the words "State" and "and" in line eight, same section and page, insert the following, to wit : "And certified copies thereof shall be filed in the office of the Clerk of Circuit Court of the several counties through or into which the contemplated road or some part thereof shall pass, and said certified copies of said bond may be used in evidence upon any trial in lieu of the original bond."

Fifth—Strike out the word "treasurer" in ninth line of said section 2, page 2, and insert in lieu thereof the word "corporation."

Sixth—Strike out the words "the treasurer of" in line twenty of said section 2, page 2.

Seventh—After the word "proper" in line 2, of said section 1, page 2, printed bill, add the following, to wit : "*Provided, however,* that the liability of the sureties on any bond or bonds required by this act shall be restricted to breaches of the conditions of said bond or bonds accruing during the continuance in office of the members of the board of directors in office at the time of the filing of said

bond or bonds and until their successors are elected and qualified, and when each successive board of directors shall be elected, before they assume the duties of their office, the corporation shall file a new bond, with penalty and surety as required by this act, and certified copies thereof shall be made out and filed in the various clerk's offices, as by this act are required of the old bond, and such certified copies shall be used in the same manner as certified copies of the original bond by this act required."

Eighth—Strike out the words, "and ten per centum penalty thereon" in lines nine and ten, section 5, page 3, printed bill.

Ninth—Strike out the words "one hundred" in line eleven, same section and page, and insert in lieu thereof the word "there."

Tenth—Strike out the words "said assessments" in line 12, same section and page, and insert in lieu thereof the words "any specific assessments."

Eleventh—Strike out the words "bonds issued by the corporation shall become due" in lines thirteen and fourteen, same section and page, and insert in lieu thereof the following, to wit: "Expiration of fifteen years from the date of filing the schedule, containing the assessment in the recorder's office of the county."

Twelfth—Between the words "loan" and "provided," in line eighteen of said section 5, page 3, printed bill, add or insert the following, to wit: "*And provided also*, that such assessments or any part thereof may be paid at any time within said fifteen years, at the pleasure of the owner of the lands assessed, and."

Thirteenth—Strike out the words "and ten per centum as a penalty" in line twenty-two, of said section 5, page 3, printed bill.

Fourteenth—Add the following additional section and number the same section 11, to wit: Section 11. No bond or bonds for the payment of money, which shall be issued by any corporation, and secured by mortgage or pledge of the assessment upon lands or any part thereof shall be valid, until signed or countersigned by the treasurer of the corporation, who shall retain the custody of such bond or bonds until he shall have received the consideration for which they shall be sold or otherwise disposed of, in accordance with law, and he and his sureties, on his official bond required of him, shall be liable on said bond, to each and every owner of lands assessed, and to all other parties interested, whether a member of the corporation

or not, for the safe keeping and faithful application to the legitimate purposes of the corporation, of the proceeds of all bonds so signed or countersigned by such treasurer.

Fifteenth—Add the following additional section, to wit: Section 12. That nothing in this supplemental act contained shall be so construed as to apply to any person or persons, company or corporation now or hereafter engaged in the construction of any ditch, levee, dyke, and drain, and the reclamation of wet and over flowed lands, whose main line is less than twenty miles in length.

Sixteenth—Strike out the following, "section 11," in line one, page 4, printed bill, and insert in lieu thereof the following, to wit: "section 13." And when so amended, a majority of said committee recommend that said bill do pass.

Mr. Beardsley moved the constitutional rule, requiring bills to be read on three several days be suspended, that Senate Bill No. 48, may be read a second and third times now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Andrews,	Caven,	Johnson,
Armstrong,	Dittemore,	Lasselle,
Beardsley,	Dougherty,	Martindale,
Beeson,	Elliott,	Miller,
Beggs,	Francisco,	Morgan,
Bobo,	Fuller,	Rosebrough,
Bradley,	Glessner,	Scott,
Brown,	Green,	Straud,
Bird,	Hooper,	Williams,
Carnahan,	Hadley,	Wood—30.
Case,		

Those who voted in the negative were, Messrs.

Collett,	Gregg,	Robinson,
Denbo,	Henderson,	Taylor,
Dwiggins,	Hubbard,	Wadge—10.
Fosdick,		

So the constitutional rule was not suspended.

Mr. Fuller, from the committee on roads, submitted the following report :

MR. PRESIDENT :

The committee on roads, to whom was referred Senate Bill No. 154, (introduced by Mr. Glessner,) entitled a bill to legalize the articles of association of all turnpike, or gravel road companies formed, or attempted to be formed, under the acts of 1852 or 1865, to complete assessments thereunder, and limiting the time in which the same shall be done, and declaring an emergency, have had the same under consideration, and directed me to report the same to the Senate, and recommend that it lie on the table.

Which was concurred in.

Mr. Cave, from the committee on roads, made the following report :

MR. PRESIDENT :

The committee on roads, to whom was referred Senate Bill No. 132, a bill to amend sections 1, 3 and 7 of an act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11, 1867, approved May 14, 1869, and to legalize assessments heretofore made, have had the same under consideration, and I am instructed by a majority of said committee to report the same back to the Senate, with a recommendation that the same do lie on the table, for the reason that the same object contemplated in the same, is embodied in a bill which has heretofore been reported back to the Senate from this committee, with a favorable report.

Which was concurred in, and Senate Bill No. 132, ordered to lie on the table.

Mr. Glessner, from the committee on fees and salaries, made the following report :

MR. PRESIDENT :

The majority of the committee on fees and salaries, to whom was referred Senate Bill No. 171, entitled an act to amend the fourth

section of an act entitled "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and make an allowance in lieu thereof, until the same is provided, and matters connected therewith," approved February 25th, 1865, have had the same under consideration, and have directed me to report the same back, recommending its passage.

Senator Martindale, dissenting from said report.

Mr. Martindale, from the committee on fees and salaries, made the following report :

MR. PRESIDENT:

The standing committee on fees and salaries to whom was referred Senate Bill No. 181, an act relating to the salaries of certain officers therein named, providing the manner of paying the same, and the manner of reimbursing the State therefor, have had the same under consideration, and respectfully recommend that said bill be amended by striking out line 12 in section No. 1; also, by striking out lines No. 19 to 24 inclusive in said section No. 1; also, by striking out section 3, of said bill; also, by striking out all of section 4 from the word "provided" in line 8, of said section, to the end of the section, and when so amended, they recommend that the bill do pass.

Mr. Caven, from the committee on claims, made the following report :

MR. PRESIDENT:

The committee on claims, to whom was referred Senate Bill No. 93, entitled a bill to provide for the payment of certain claims for ditching swamp lands, out of the general swamp land fund; as also, Senate Bill No. 115, entitled a bill to distribute the surplus swamp land fund now in the State treasury, to the counties from whom it was collected, which bills were referred to said committee with instructions to inquire whether or not the funds mentioned in bill, does not belong to the school fund; report that they have had the same under consideration, and find the subject to be governed by section 2, of article 8, of the constitution as follows:

"The common school fund shall consist of all lands that have

been or may hereafter be granted to the State where no special purpose is expressed in the grant, and the proceeds of the sales thereof, including the proceeds of the sale of the swamp lands granted to the State of Indiana by the acts of Congress of the 28th of December, 1850, after deducting the expense of selecting and draining the same; also, section 29 of the swamp land act of 1852, which is in these words, the fund remaining in the treasury of the State after the expenses are paid as in the three preceeding sections specified and provided, shall constitute a portion of, and belong to the common school fund of the State, as in the constitution provided, and shall be disposed by the law for the use of common schools, in accordance with the constitution of the State."

The committee are of opinion that the fund in the State treasury to the credit of swamp land fund, by virtue of the above recited provisions, does belong to the school fund, and for the purpose of placing such money to the credit of the school fund, they present the accompanying bill, and recommend that it be adopted as a substitute for bill No. 115; and further recommend that No. 93, do lie on the table.

Strike out all after the enacting clause, and insert the following:

SECTION 1. That all moneys now in the State treasury to the credit of the swamp land fund, being proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of the 28th of December, 1850, shall be carried to the credit of, and merged into the common school fund, as required by the constitution, and the Auditor and Treasurer are hereby directed to make such transfer.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the House has passed engrossed House Bill No. 170, being an act to amend section 18 of "An act concerning the partition of land," approved May 2, 1852.

Also, engrossed House Bill No. 137, being a bill to fix the time of holding the Courts of Common Pleas in the Sixteenth Judicial District, and repealing all laws in conflict herewith.

Also, the following concurrent resolution :

Resolved, (the Senate concurring,) That five hundred copies of the report of the Board of Managers of the Reformatory Institution for Women and Girls, be printed for the use of the General Assembly, and ask the concurrence of the Senate in the same.

And the same is herewith transmitted to the Senate.

Mr. Green moved to recommit Senate Bill No. 93 to the same committee that just reported it back.

Mr. Caven moved to amend by saying the "judiciary committee."

It was agreed to, and the motion as amended was agreed to.

Mr. Carnahan, from the committee on claims, made the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred the claim of the Illinois Central Railroad Company, for five dollars and eighty-four cents, for transportation of troops during the month of December, 1866, on requisition of O. P. Morton, Governor, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend that the claim be allowed, and that the same be referred to the committee on finance to be incorporated in the appropriation bills.

Which report was concurred in.

Mr. Caven, from the committee on phraseology and arrangement of bills and enrolled bills, submitted the following report :

MR. PRESIDENT :

The committee on phraseology and arrangement of bills and enrolled bills, to whom was referred Senate Bill No. 145, entitled "An act fixing the time of holding the courts in the Twelfth Judicial Circuit, repealing all laws in conflict therewith, and declaring an

emergency," report that they have examined the same, and find it correctly enrolled.

Which report was concurred in.

Mr. Martindale, from the committee on organization of courts, submitted the following report:

MR. PRESIDENT:

The committee, to whom was referred engrossed Senate Bill No. 177, "A bill defining what counties shall constitute the Twenty-First Common Pleas District, and to fix the time of holding the courts therein, and repealing all laws inconsistent herewith," have had the same under consideration, and have instructed me to report the same back to the Senate, recommending its passage.

Mr. Martindale, from the committee on the organization of courts, submitted the following report:

MR. PRESIDENT:

The committee, to whom was referred Senate Bill No. 37, a bill to amend an act entitled "An act districting the State for the purpose of electing four Judges of the Supreme Court," approved February 19, 1852, and creating the Fifth District, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

Mr. Martindale, from the committee on the organization of courts, made the following report:

MR. PRESIDENT:

The committee, to whom was referred Senate Bill No. 28, a bill to amend an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof," approved May 13, 1852, creating an additional judge of said court, and declaring an emergency, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend that the same do pass.

Mr. Andrews, from the committee on railroads, made the following report:

MR. PRESIDENT:

The committee on railroads, to whom was referred House Bill No. 79, a bill to extend the time for the completion of certain railroads, and to legalize the acts of the board of directors, have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendments, to wit:

Insert, at the end of the third section, the following:

“And provided further, That the provisions of this act shall not affect the rights or interests of railroad companies on such railroads as have been opened and put in operation by said companies.”

And when so amended, the committee recommend that the bill do pass.

Mr. Andrews moved that the order of business be suspended, that the bill may be taken up, with pending amendments.

It was agreed to, and the amendments reported by the committee were concurred in.

Mr. Carnahan moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be considered as engrossed and read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Johnson,
Armstrong,	Dwiggins,	Keigwin,
Beeson,	Elliott,	Laselle,
Beggs,	Fosdick,	Martindale,
Bobo,	Francisco,	Miller,
Bradley,	Glessner,	Morgan,
Brown,	Green,	Robinson,
Carnahan,	Gregg,	Rosebrough,
Case,	Henderson,	Straud,
Cave,	Hess,	Taylor,
Caven,	Hooper,	Williams—25.
Collett,	Hubbard,	

Those who voted in the negative were, Messrs.

Beardsley,	Scott,	Wood—4.
Fuller,		

So the constitutional rule was suspended.

Engrossed House Bill No. 79. A bill to extend the time for the completion of certain railroads, and to legalize the acts of the board of directors.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Lasselle,
Armstrong,	Elliott,	Martindale,
Beardsley,	Fosdick,	Miller,
Beeson,	Francisco,	Morgan,
Beggs,	Glessner,	Robinson,
Bobo,	Green,	Rosebrough,
Bradley,	Gregg,	Scott,
Brown,	Henderson,	Straud,
Carnahan,	Hess,	Taylor,
Case,	Hooper,	Wadge,
Caven,	Hubbard,	Williams,
Collett,	Johnson,	Wood—38.
Dougherty,	Keigwin,	

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Andrews submitted the following report :

MR. PRESIDENT :

The committee on railroads, to whom was referred Senate Bill

No. 152. A bill to extend the time for the construction of railroads in cases in which the time has been heretofore extended and the roads are not yet completed, presented by Senator Collett, have had the same under consideration, and direct me to report the same to the Senate, with the following amendments, to wit:

Insert at the end of the 2d section the following: "Nor shall this act affect the right or interests of any railroad company, or any railroad that has been constructed and put in operation by a company, the road bed of which has been purchased of another company." And, when so amended, the committee recommend that the bill do pass.

On motion, by Mr. Andrews,

The amendments as reported by the committee were concurred in.

Mr. Collett moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be considered engrossed, and read a third time now.

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Keigwin,
Armstrong,	Elliott,	Lasselle,
Beardsley,	Fosdick,	Martindale,
Beeson,	Francisco,	Miller,
Beggs,	Fuller,	Morgan,
Bobo,	Glessner,	Robinson,
Bradley,	Green,	Rosebrough,
Brown,	Gregg,	Scott,
Carnahan,	Hadley,	Steele,
Case,	Henderson,	Straud,
Cave,	Hess,	Taylor,
Caven,	Hooper,	Williams,
Collett,	Johnson,	Wood—40.
Dougherty,		

No Senator voting in the negative.

So the constitutional rule was suspended.

Senate Bill No. 152. A bill to extend the time for the comple-

tion of railroads in cases in which the time has heretofore been extended and the roads are not yet completed.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Lasselle,
Armstrong,	Elliott,	Martindale,
Beardsley,	Fosdick,	Miller,
Beeson,	Francisco,	Morgan,
Beggs,	Glessner,	Robinson,
Bobo,	Green,	Rosebrough,
Bradley,	Gregg,	Scott,
Brown,	Henderson,	Straud,
Carnahan,	Hess,	Taylor,
Case,	Hooper,	Wadge,
Caven,	Hubbard,	Williams,
Collett,	Johnson,	Wood—38.
Dougherty,	Keigwin,	

Mr. Fuller voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the Speaker, to inform you that he has signed Senate Enrolled Act No. 105, entitled "An act to abolish the Twenty-Ninth Judicial Circuit, (Jefferson Criminal Circuit Court,) and to transfer its business to the Circuit Court, to provide for the jurisdiction of the Circuit and Common Pleas Courts of Jefferson county, in cases of felony and misdemeanors, and matters connected therewith."

Also, Senate Enrolled Act No. 145, entitled "An act fixing the times of holding courts in the Twelfth Judicial Circuit, repealing all laws in conflict therewith, and declaring an emergency."

Also, that he has signed House Concurrent Resolution No. 11, in relation to the removal of the National Capital, which is herewith transmitted to the Senate for the signature of the President thereof.

Mr. Henderson, from a select committee, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 4, have had the same under consideration, and unanimously agree to report the same back to the Senate, amended, and in their judgment perfected, and respectfully recommend that the order of business be suspended, and the bill be read the second and third times, considered engrossed, and put on its passage.

On motion by Mr. Henderson,

The bill was taken up and read a second time with amendments.

Mr. Hooper offered the following amendment:

Amend section 23, as follows: Strike out the words "day of each month" in first line, and insert "Monday in June and December."

The question being, on the adoption of the amendment.

Messrs. Johnson and Wadge demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Beardsley,	Collett,	Fosdick,
Bobo,	Caven,	Hadley,
Carnahan,	Dittemore,	Hooper,
Case,	Dougherty,	Wood—13.
Cave,		

Those who voted in the negative were, Messrs.

Andrews,	Armstrong,	Beeson,
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Beggs,	Gregg,	Morgan,
Brown,	Henderson,	Robinson,
Denbo,	Hess,	Rosebrough,
Dwiggins,	Hubbard,	Scott,
Elliott,	Johnson,	Steele,
Francisco,	Keigwin,	Taylor,
Fuller,	Lasselle,	Wadge,
Glessner,	Martindale,	Williams—29.
Green,	Miller,	

So the amendment was not adopted.

The question recurring on the amendments by the committee.

They were agreed to.

Mr. Bobo offered the following amendment, to wit :

In all counties where the population does not exceed fifteen thousand, the county officers may retain all legal fees which come to their hands.

The question being, on the adoption of the same.

Messrs. Dittmore and Bobo demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Bobo,	Cave,	Hooper,
Bradley,	Collett,	Keigwin,
Carnahan,	Dittmore,	Taylor—11.
Case,	Fuller,	

Those who voted in the negative were, Messrs.

Andrews,	Glessner,	Miller,
Armstrong,	Green,	Morgan,
Beeson,	Gregg,	Robinson,
Beggs,	Hadley,	Rosebrough,
Caven,	Henderson,	Scott,
Denbo,	Hess,	Straud,
Dougherty,	Hubbard,	Wadge,
Dwiggins,	Johnson,	Williams,
Fosdick,	Lasselle,	Wood—29.
Francisco,	Martindale,	

So the amendment was not adopted.

Mr. Johnson offered the following: amend by inserting the following:

SECTION —. The sheriff's fees of Supreme Court shall be the same as sheriff of Circuit Courts for similar services, mileage shall be from the Capital to the place of residence of the person upon whom service is made.

Mr. Glessner moved to lay the amendment on the table.

It was agreed to.

Mr. Wood offered the following amendment:

Amend sections 24, 28 and 29, by inserting \$2,000 where \$1,500 occurs, as salaries of officers therein named.

Mr. Green moved to lay the amendment on the table.

Messrs. Cave and Wood demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Francisco,	Martindale,
Armstrong,	Fuller,	Miller,
Beeson,	Glessner,	Morgan,
Beggs,	Green,	Robinson,
Carnahan,	Gregg,	Rosebrough,
Collett,	Henderson,	Scott,
Denbo,	Hess,	Straud,
Dougherty,	Hubbard,	Taylor,
Dwiggins,	Johnson,	Wadge,
Fosdick,	Lasselle,	Williams—31.

Those who voted in the negative were, Messrs.

Bobo,	Cave,	Hadley,
Bradley,	Caven,	Hooper,
Case,	Dittemore,	Wood—9.

So the motion prevailed.

Mr. Andrews offered the following amendments:

Amend section 14 by striking out, in the 2d line, "25" and insert "35."

In 3d line, by striking out "5" and insert "10."

In 10th line, by striking out "25" and insert "35."

In 12th line, by striking out "25" and insert "50."

In 16th line, by striking out "50" and insert "75."

In 17th line, by striking out "35" and insert "50."

Amend section 15, in 3rd line, by inserting after the word "sub-pœna" the words "upon each person therein named."

In 6th line, by striking out "25" and insert "50."

The question being, on the adoption of the same.

Messrs. Rosebrough and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Cave,	Hubbard,
Armstrong,	Collett,	Johnson,
Beeson,	Dittemore,	Keigwin,
Bobo,	Dougherty,	Lasselle,
Bradley,	Green,	Martindale,
Brown,	Hadley,	Robinson,
Carnahan,	Hess,	Straud,
Case,	Hooper,	Wadge—24.

Those who voted in the negative were, Messrs.

Beggs,	Fuller,	Morgan,
Caven,	Glessner,	Rosebrough,
Denbo,	Gregg,	Scott,
Dwiggins,	Henderson,	Taylor,
Fosdick,	Miller,	Williams—16.
Francisco,		

So the amendment was adopted.

Mr. Martindale moved to suspend the constitutional rule requiring bills to be read on three several days. That Senate Bill No. 4 be considered as engrossed and read a third time now.

The ayes noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Beeson,	Beggs,
Armstrong,	Beardsley,	Brown,

Carnahan,	Gregg,	Morgan,
Caven,	Hadley,	Robinson,
Denbo,	Henderson,	Rosebrough,
Dougherty,	Hess,	Scott,
Francisco,	Johnson,	Straud,
Fuller,	Keigwin,	Taylor,
Glessner,	Martindale,	Williams,
Green,	Miller,	Wood—30.

Those who voted in the negative were, Messrs.

Bobo,	Collett,	Hooper,
Bradley,	Dittemore,	Hubbard,
Case,	Dwiggins,	Wadge—11.
Cave,	Fosdick,	

So the motion did not prevail.

Mr. Dittemore moved that the Senate do now adjourn.

It was not agreed to.

Mr. Gregg offered the following resolution:

WHEREAS, A number of petitions from the people have reached the General Assembly since Senate Bill No. 118 has been reported back to the Senate from the committee on roads, to whom it was referred, setting forth that the passage of a law upon the subject involved in said bill would materially affect their rights and interests; therefore,

Resolved, That this bill, together with said petitions, be referred to the committee on rights and privileges of the inhabitants of the State with instructions to investigate the object and prayers of these petitioners on this subject.

Mr. Dwiggins moved to lay the resolution on the table.

Mr. Brown moved that the Senate do now adjourn.

One-tenth of the Senators demanding the ayes and noes.

Those who voted in the affirmative were, Messrs.

Bobo,	Dwiggins,	Keigwin,
Bradley,	Francisco,	Robinson,
Brown,	Gregg,	Rosebrough,
Carnahan,	Hadley,	Scott,
Case,	Henderson,	Straud,
Denbo,	Hooper,	Wadge,
Dougherty,	Hubbard,	Wood—21.

Those who voted in the negative were, Messrs.

Andrews,	Fosdick,	Lasselle,
Armstrong,	Fuller,	Martindale,
Beeson,	Glessner,	Miller,
Beggs,	Green,	Morgan,
Cave,	Hess,	Taylor,
Caven,	Johnson,	Williams—19.
Dittemore,		

So the motion prevailed, and the Senate adjourned.

TUESDAY MORNING.

FEBRUARY 14, 1871, 10 O'CLOCK.

The Senate met.

The Journal of yesterday was read and approved.

The question pending at the adjournment on yesterday, being the motion to lay the resolution offered by Mr. Gregg, in reference to the recommitment of Senate Bill No. 119, to the committee on the rights and privileges of the inhabitants of the State.

Messrs. Gregg and Francisco demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Hubbard,
Beardsley,	Green,	Miller,
Beeson,	Hadley,	Robinson,
Case,	Hess,	Wood—14.
Collett,	Hooper,	

Those who voted in the negative were, Messrs.

Alsop,	Denbo,	Lasselle,
Armstrong,	Dougherty,	Martindale,
Beggs,	Fosdick,	Morgan,
Bobo,	Francisco,	Rosebrough,
Bradley,	Fuller,	Steele,
Carnahan,	Glessner,	Straud,
Cave,	Gregg,	Taylor,
Caven,	Keigwin,	Wadge—24.

So the motion to lay the resolution upon the table did not prevail.

The question recurring upon the adoption of the resolution offered by Mr. Gregg.

Mr. Rosebrough demanded the previous question,
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was so ordered.

The question being, upon the adoption of the resolution.
Messrs. Rosebrough and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Fosdick,	Lasselle,
Bradley,	Francisco,	Martindale,
Carnahan,	Fuller,	Morgan,
Cave,	Glessner,	Rosebrough,
Caven,	Gregg,	Straud—23.
Denbo,	Hadley,	

Those who voted in the negative were, Messrs.

Andrews,	Dwiggins,	Miller,
Armstrong,	Gray,	Robinson,
Beardsley,	Green,	Steele,
Beeson,	Hess,	Taylor,
Case,	Hooper,	Wadge,
Collett,	Hubbard,	Wood—18.

So the resolution was adopted.

Mr. Rosebrough moved to reconsider the vote by which the resolution was adopted, and to lay that motion upon the table.

Which was not agreed to.

The President laid before the Senate a memorial of the representatives of Western Yearly Meeting of Friends, held at Plainfield, Hendricks county, Ind., the second day of second month, 1871, on the amendatory of the law granting divorces.

Which was,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

The President also laid before the Senate a memorial of the representatives of Western Yearly Meeting of Friends, on prisons and prison discipline.

Which was,

On motion,

Referred to the committee on prisons.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Fuller presented a petition from the taxpayers of Campbell township, Warrick county, asking the General Assembly to request the county treasurer, in connection with the board of commissioners, to separate a railroad tax from other taxes, that it may be paid as heretofore.

Which was,

On motion,

Referred to the committee on the judiciary.

Mr. Martindale presented a memorial from the Adjutant General of the State, asking that a suitable and adequate compensation should be made and allowed him by law, from and after January 1, 1870.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Martindale presented the claim of Barbour and Jacobs, services rendered as attorneys in prosecuting the claim of the State against the Peru and Indianapolis Railway Company.

Which was,

On motion,

Referred to the committee on finance.

Mr. Beeson presented a petition from sundry citizens of Sullivan county, asking for a law suppressing the traffic in intoxicating liquors as a beverage.

Which was,

On motion,

Referred to the committee on temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. Hooper, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate Bill No. 72, an act to amend the sixteenth section of an act entitled an act supplemental to an act entitled "An act concerning real property, and the alienation thereof," approved May 6, 1853, and to provide for the sale and conveyance of the interest of an insane wife in the lands of her husband, have had the same under consideration, and directed me to report the bill back to the Senate, and recommend that it lie on the table.

Which was concurred in, and

Senate Bill No. 72 was laid upon the table.

Mr. Bradley, from the committee on education, made the following report :

MR. PRESIDENT :

The Senate committee on education, to whom was referred Senate Bill No. 111, introduced by Mr. Hadley, and entitled "A bill to provide for a more extended system of college and university education in the State," would respectfully represent that they have had the same under consideration, and do now agree to report the same back to the Senate, with a recommendation that it lie upon the table.

Which report was concurred in, and

Senate Bill No. 111 was laid upon the table.

Mr. Bradley submitted the following report :

MR. PRESIDENT :

The Senate committee on education, to whom was referred Senate Bill No. 183, introduced by Mr. Williams, and entitled, "An act to amend section 108 of an act to provide for a general system of common schools, etc., approved March 6th, 1865," would respectfully

represent that they have had the same under consideration, and order it reported back to the Senate with a recommendation that it lie upon the table, for the reason that its provisions are incorporated in Senate Bill No. 41, which has already been favorably reported on by this committee.

Which report was concurred in, and

Senate Bill No. 183 was laid upon the table.

Mr. Carnahan submitted the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate Bill No. 192, introduced by Mr. Green, being an act authorizing certain draining companies to amend their articles of association, declaring such company a valid corporation, on the terms therein prescribed, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that the same do pass.

Mr. Armstrong made the following report.

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate Bill No. 180, an act declaring public squares, so marked on the plats of towns, not specifically donated to any purpose to be a grant for common school purposes and authorizing school trustees, or township trustee of such township, to take possession of and erect school buildings thereon, have had the same under consideration and have directed me to report it back to the Senate with a recommendation that the same do pass.

Mr. Morgan made the following report.

MR. PRESIDENT :

A majority of the committee, to whom was referred Senate Bill No. 153, a bill to provide for the organization of an experimental school for the instruction of feeble minded children, have had the same under consideration, and instructed me to report the same back to the Senate, recommending its passage.

Mr. Keigwin submitted the following report :

MR. PRESIDENT :

The Senate committee on public printing, to whom was referred Senate Bill No. 147, have had the same under consideration and direct me to report back the bill, and recommend the passage of the same with the following amendments thereto :

Mr. Hooper dissenting from the offered amendments.

Amend by striking out in the fifth line of the first section, all after the word "in," and insert in lieu thereof, "one newspaper having general circulation in such county."

Amend the 4th section, by adding thereto: "*Provided* the same can be done for such compensation, otherwise such publication shall not be required."

Mr. Lasselle made the following report :

MR. PRESIDENT :

The majority of the committee on organization of courts, to whom was referred Senate Bill No. 197, entitled an act creating the Twenty-Sixth Judicial District, composed of the counties of Shelby, Bartholomew and Johnson, fixing the time of holding courts therein, providing for return of process, and repealing all laws in conflict herewith, have had the same under consideration and have directed me to report the same back, recommending its passage, with the following amendment :

Strike out the words "its passage," being the two last words in the last section of the bill, and insert in lieu thereof the following words: "25th day of March, 1871."

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT :

I am instructed by the House to inform the Senate that the House has passed engrossed House Bill No. 142, entitled, a bill to amend section five of an act entitled "An act to amend the 18th, 24th, 25th and 26th sections of an act entitled 'An act regulating the apportion-

ment of estates,' " approved May 14th, 1852, and adding a supplemental section to said act approved March 4th, 1853.

Also, engrossed House Bill No. 188, entitled a bill to provide for appeals, in certain cases from the actions of county boards of equalization.

Also, engrossed House Bill No. 185, entitled an act for the relief of George L. Reiter and Maria B. Reiter.

Also, engrossed House Bill No. 138, entitled a bill to amend sections two and three of an act entitled "An act to incorporate the Indianapolis Gaslight and Coke Company," approved February 15th, 1851.

Also, engrossed House Bill No. 40, entitled a bill to amend section 7, chapter 170, of "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved March 5, 1859.

Also, engrossed House Bill No. 132, entitled a bill to repeal the proviso in section 2 of an act entitled an act to amend section 2 of an act entitled "An act making the register of sales of Michigan road lands, and certified copies of entries therein, evidence, and declaring the effect thereof, and making the records, and patents, and certificate of purchase, and other evidence in writing, of the sale of real estate, and certified copies of such records, evidence, and declaring the effect thereof," approved March 9, 1857, approved May 4, 1869.

Also, House Bill No. 43, entitled a bill to provide for the holding of Roman Catholic churches, cemeteries, colleges, and other property.

Which are herewith transmitted to the Senate.

Mr. Glessner, from the committee on railroads, made the following report:

MR. PRESIDENT:

A majority of the committee on railroads, to whom was referred

Senate Bill No. 131, a bill supplemental to an act passed December, 1865, entitled "An act to secure a just valuation and taxation of all railroad property within this State; to legalize the valuation, assessment, adjustment, payment of taxes, for such property made subsequent to the year 1854; and to amend sections 5 and 8 of the same act," have had the same under consideration, and have directed me to report the same back, recommending its passage.

Mr. Fuller made the following report:

MR. PRESIDENT:

A majority of your select committee, to whom was referred sundry petitions and resolutions relating to the submission of the question of female suffrage to the voters of the State, with a view of so amending the constitution of the State as to permit women to vote, have duly considered the same, and a majority of said committee respectfully report that they regard the submission of said question as undesirable by the people and inexpedient at this time.

Mr. Beeson submitted the following report:

To the President of the Senate:

The undersigned, a minority of the select committee on woman's rights, in compliance with the terms of Senate Resolution No. 38, passed January 20, 1871, beg leave to submit the following proposed amendment to the constitution of the State.

OTHNIEL BEESON,
R. S. DWIGGINS.

A joint resolution, proposing an amendment to the constitution, by adding to the second article, a section conferring on women of the age of twenty-one years and upwards the right to vote.

Be it resolved by the General Assembly of the State of Indiana, That the following amendment be, and is hereby proposed to the constitution of this State, and that the same be and is hereby agreed to and submitted to the electors of the State for their ratification or rejection: *Provided,* the same shall be agreed to by a majority of all the members composing each House of the next regular General Assembly of this State, said amendment to consist of the addition

of the following sections to the second article of the constitution, in the language following, viz.:

In all elections provided for by this constitution, every female citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding said election; and every female of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared her intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where she may reside.

On motion of Mr. Beeson,

The whole subject was postponed, and made the special order for to-morrow at 2½ o'clock P. M.

Mr. Bradley offered the following:

Resolved, That the Brevier Reporter be supplied with such printed matter and stationery as may be furnished to members.

Which was adopted.

Mr. Denbo offered the following:

WHEREAS, It has been asserted by some Senators on this floor that there are three hundred or more of the old internal improvement bonds, not included in the number of one hundred and ninety-one mentioned in the Governor's Message to this General Assembly, as being the true amount outstanding, held by parties in Chicago and elsewhere, which the books show no account of; and if the statement made by Senators be true, that fact has been kept from the people; therefore,

Be it resolved by the Senate, That His Excellency the Governor be requested to communicate to the Senate all the information on this subject in his possession, and that he ascertain (if possible) whether any parties in Chicago, or elsewhere, hold any of these old internal improvement bonds, not included in the number (one hundred and ninety-one) mentioned in the Governor's Message, and

whether any party or parties have sent any of these bonds to be held by the banking house in New York, which is now transacting the business of Agent of State, or to any other banking house in New York; and that he report at his earliest convenience, giving as full and complete a history of the issuing of these bonds as he can.

Which was adopted.

Mr. Wadge offered the following resolution :

Resolved, That the committee on claims be instructed to inquire and report what allowance, if any, should be made to John Sarninghausen, for expenses incurred in defending the contest of his seat in this body.

Which was adopted.

Mr. Lasselle offered the following resolution :

Resolved, That the Doorkeeper is hereby directed to contract for two additional copies each, of the Daily Indianapolis Journal and Sentinel, properly wrapped and stamped, and cause the same to be laid upon the desk of each member of the Senate.

Which was adopted.

Mr. Miller moved that the order of business be suspended to take up engrossed House Bill No. 177.

Which was agreed to,

And engrossed House Bill No. 177 was taken up and read a second time.

Mr. Miller moved that the constitutional rule be suspended, and that House Bill No. 177 be read a third time now, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Beeson,	Case,
Andrews,	Beggs,	Caven,
Armstrong,	Bradley,	Cave,
Beardsley,	Carnahan,	Collett,

Denbo,	Green,	Miller,
Dittemore,	Gregg,	Morgan,
Dougherty,	Hadley,	Robinson,
Dwiggins,	Henderson,	Rosebrough,
Fosdick,	Hess,	Steele,
Francisco,	Hooper,	Straud,
Fuller,	Hubbard,	Taylor,
Glessner,	Johnson,	Wadge—38.
Gray,	Lasselle,	

No Senator voting in the negative.

So the constitutional rule was suspended, and engrossed House Bill No. 177 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Hubbard,
Andrews,	Dittemore,	Keigwin,
Armstrong,	Dougherty,	Lasselle,
Beardsley,	Dwiggins,	Martindale,
Beeson,	Fosdick,	Miller,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Robinson,
Bird,	Glessner,	Rosebrough,
Carnahan,	Gray,	Steele,
Case,	Green,	Straud,
Cave,	Gregg,	Taylor,
Caven,	Hess,	Wadge,
Collett,	Hooper,	Wood—39.

Senator Johnson voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Martindale moved that the regular order of business be suspended, that the Senate may take up engrossed Senate Bill No. 4.

Messrs. Bobo and Dougherty demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Fuller,	Lasselle,
Beardsley,	Glessner,	Martindale,
Beeson,	Gray,	Miller,
Bradley,	Green,	Morgan,
Case,	Hadley,	Robinson,
Caven,	Henderson,	Steele,
Collett,	Hess,	Taylor,
Denbo,	Hubbard,	Wadge—25.
Dwiggins,		

Those who voted in the negative were, Messrs.

Alsop,	Cave,	Hooper,
Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Fosdick,	Rosebrough,
Bird,	Francisco,	Straud,
Carnahan,	Gregg,	Wood—18.

So the motion prevailed.

Engrossed Senate Bill No. 4. An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions.

Was read a third time.

The question being, shall the bill pass?

Mr. Henderson moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Francisco,	Lasselle,
Armstrong,	Fuller,	Morgan,
Beardsley,	Glessner,	Martindale,
Beeson,	Gray,	Miller,
Beggs,	Green,	Robinson,
Bradley,	Gregg,	Rosebrough,
Brown,	Hadley,	Scott,
Bird,	Henderson,	Steele,
Caven,	Hess,	Straud,
Denbo,	Hubbard,	Taylor,
Dougherty,	Johnson,	Williams,
Dwiggins,	Keigwin,	Wood—36.

Those who voted in the negative were, Messrs.

Bobo,	Collett,	Fosdick,
Carnahan,	Dittemore,	Hooper,
Case,	Elliott,	Wadge—10.
Cave,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Hadley moved that the Senate do now adjourn.

It was agreed to.

TUESDAY, FEBRUARY 14, 1871, 2 O'CLOCK P. M.

The Senate met.

Messages from the Governor, by John M. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 13, 1871.

MR. PRESIDENT:

I am directed by the Governor to respectfully inform the Senate that he has approved and signed enrolled Act No. 145, entitled "An act fixing the times of holding courts in the Twelfth Judicial Circuit, repealing all laws in conflict therewith, and declaring an emergency."

Also, enrolled act No. 21, entitled an act to amend section 39 of an act entitled "An act defining felonies and prescribing punishment therefor."

Also, enrolled act No. 175, entitled an act to fix the time of holding the Common Pleas Courts in the county of Decatur, and repealing all laws inconsistent therewith.

And that he has caused the said acts to be deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

Messages from the Governor, by John M. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 13, 1871.

MR. PRESIDENT:

I am directed by the Governor to respectfully inform the Senate that joint resolution No. 8, being a joint resolution in relation to an appropriation by Congress for the completion of the harbor on Lake Michigan, at Michigan City; and,

Joint Resolution No. 6, being a joint resolution for the adjustment and collection of claims in favor of the State of Indiana, have been deposited in the office of the Secretary of State; and also that a copy of said joint resolution No. 8 has been transmitted to each of our Senators and Representatives in Congress.

JOHN M. COMMONS,
Private Secretary.

INTRODUCTION OF BILLS.

Mr. Dwiggins introduced

Senate Bill No. 204. A bill to amend section 22 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, which 22d section was amended and approved March 2, 1855, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fuller introduced

Senate Bill No. 205. A bill requiring the members of the General Assembly of the State of Indiana to return all statutes to the State Librarian at the close of each session, and prescribing the duties of the State Librarian therein.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Scott introduced

Senate Bill No. 206. A bill legalizing the acknowledgments of all deeds, mortgages, and other instruments required to be recorded, taken and certified by notaries of public, who took and certified acknowledgments after their commissions had expired and their appointments at an end, and performed other duties as such notaries, through mistake or inadvertence as to the time of the expiration of their term of appointment.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wood introduced

Senate Bill No. 207. Entitled a bill relating to the taxing of docket fees in the Circuit and Common Pleas Courts, and providing for the payment of the same to the judges thereof.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Straud introduced

Senate Bill No. 208. A bill to protect the citizens of the State of Indiana from empiricism, and to elevate the medical profession.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fosdick introduced

Senate Bill No. 209. An act to repeal an act entitled "An act in relation to the taxation of lands in towns and cities," approved June 18th, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fosdick introduced

Senate Bill No. 210. A bill for an act entitled "An act to amend section 16 of an act concerning real property, and the alienation thereof," approved May 6th, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Henderson introduced

Senate Bill No. 211. Entitled a bill to provide for the construction of narrow gauge horse railroads across and along public highways.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Gray introduced

Senate Bill No. 212. A bill to provide for the investment of the sinking fund now under the control of the Auditor of State, and for the distribution of the income thereof for common school purposes.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Williams introduced

Senate Bill No. 213. A bill requiring railroad companies organized under any law of the State of Indiana to keep their principal office of business within the State, and to have a majority of directors resident within the State of Indiana, and along the line of railroad.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent, Mr. Andrews presented two petitions from the citizens of Jennings county, Indiana, asking for the enactment of a law to authorize county commissioners to appropriate money from the county treasuries, to purchase and improve fair grounds, and with them, introduced

Senate Bill No. 214. A bill to encourage agriculture and agricultural fairs, by the purchase and improvement of fair grounds.

Which was read a first time.

Mr. Andrews moved that the constitutional rule be suspended, that Senate Bill No. 214 be read a second time by title for reference.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Armstrong,	Fosdick,	Keigwin,
Andrews,	Francisco,	Lasselle,
Beeson,	Fuller,	Martindale,
Bobo,	Glessner,	Miller,
Bradley,	Gray,	Morgan,
Brown,	Green,	Robinson,
Carnahan,	Gregg,	Rosebrough,
Cave,	Hadley,	Steele,
Caven,	Hess,	Straud,
Collett,	Hooper,	Taylor,
Denbo,	Hubbard,	Wadge,
Dwiggins,	Johnson,	Wood—36.

Those who voted in the negative were, Messrs.

Alsop,

Beardsley—2.

So the constitutional rule was suspended, and Senate Bill No. 214, was read a second time by title, and,

On motion,

With the petitions accompanying it, was referred to the committee on agriculture.

Mr. Rosebrough introduced

Senate Bill No. 215. A bill to amend the second section of an act entitled "An act to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect," approved February 9th, 1867, and declaring an emergency.

Which was read a first time.

Mr. Rosebrough moved that the constitutional rule be suspended, that Senate Bill No. 215 be read a second time by title for reference.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Andrews,	Dwiggins,	Keigwin,
Beardsley,	Fosdick,	Lasselle,
Beeson,	Francisco,	Martindale,
Beggs,	Fuller,	Miller,
Bobo,	Glessner,	Morgan,
Bradley,	Gray,	Robinson,
Brown,	Green,	Rosebrough,
Carnahan,	Gregg,	Steele,
Cave,	Hadley,	Straud,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Denbo,	Hubbard,	Wood—40.
Dittemore,		

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 215 was read a second time by title, and

On motion,

Referred to the committee on the organization of courts.

Mr. Bird introduced

Senate Bill No. 216. A bill to authorize the board of commissioners of the several counties of this State, to appropriate money to aid in putting or keeping in repair any canal running, in through or along any such county.

Which was read a first time.

Mr. Bird moved to suspend the constitutional rule, that Senate Bill No. 216 may be read a second time by title for reference.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Hubbard,
Andrews,	Dwiggins,	Johnson,
Armstrong,	Elliott,	Keigwin,
Beardsley,	Fosdick,	Lasselle,
Beeson,	Francisco,	Martindale,
Beggs,	Fuller,	Miller,
Bobo,	Glessner,	Morgan,
Bradley,	Gray,	Rosebrough,
Carnahan,	Green,	Steele,
Case,	Gregg,	Straud,
Caven,	Hadley,	Taylor,
Collett,	Hess,	Wadge,
Denbo,	Hooper,	Wood—40.
Dittemore,		

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 216 was read a second time by title, and,

On motion of Mr. Bird,

Was referred to a select committee of Senators from counties along the line of the Wabash and Erie canal, which the Chair made to con-

sist of Messrs. Bird, Miller, Lasselle, Armstrong, Taylor, Wood, Collett, Scott and Dougherty.

Mr. Wood introduced

Senate Bill No. 217. A bill to amend section one hundred and seventy-three of "An act to provide for the valuation and the assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Dittmore introduced

Senate Bill No. 218, entitled, a bill supplemental to an act to regulate and license the sale of spirituous, vinuous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former acts contravening the provisions of this act, and prescribing penalties for the violation thereof, approved March 5th, 1859, providing penalties against minors for obtaining intoxicating liquors under false representations as to their age; providing penalties against persons, who shall, upon the Sabbath day, purchase any intoxicating liquors, and to regulate the granting of license to sell intoxicating liquors in incorporated cities and towns.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent, Mr. Brown made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred House Bill No. 23, a bill to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes, and drains and the reclamation of wet and over-flowed lands and to repeal all former laws relating to the same subject," etc., would respectfully report that they have had the same under consideration, and a majority of said committee have directed me to report back said bill to the Senate

and recommend that the same, and the subject matter therein contained, be indefinitely postponed.

JASON BROWN, Chairman.
A. F. ARMSTRONG,
EB. HENDERSON,
M. T. CARNAHAN,
S. F. WOOD,
JOHN GREEN.

Mr. Hubbard dissents from the foregoing report.

Mr. Hubbard made the following report :

MR. PRESIDENT :

The minority of the committee on corporations, to whom was referred House Bill No. 23, would respectfully dissent from the majority report on said bill, and recommend the passage of said bill

Mr. Bradley moved to lay the minority report upon the table.

Messrs. Hubbard and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Armstrong,	Case,	Hooper,
Beardsley,	Collett,	Johnson,
Beeson,	Denbo,	Lasselle,
Bobo,	Dougherty,	Morgan,
Bradley,	Elliott,	Straud,
Brown,	Green,	Williams,
Bird,	Henderson,	Wood—23.
Carnahan,	Hess,	

Those who voted in the negative were, Messrs.

Alsop,	Fosdick,	Hubbard,
Andrews,	Francisco,	Keigwin,
Beggs,	Fuller,	Martindale,
Cave,	Glessner,	Miller,
Caven,	Gray,	Robinson,
Dittemore,	Gregg,	Rosebrough,
Dwiggins,	Hadley,	Scott,

Steele,

Taylor,

Wadge—24.

So the motion to lay the minority report upon the table did not prevail.

Mr. Martindale moved to lay the majority report on the table.

Mr. Brown moved to amend by saying that the reports be postponed and made the special order for two weeks from to-day.

By unanimous consent, the reports with accompanying bill were placed upon the files.

Mr. Brown moved to suspend the order of business to take up Senate Bill No. 48.

Which was agreed to, and

Senate Bill No. 48. A bill supplemental to an act entitled, an act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and over-flowed lands, by incorporated companies, and to repeal all former laws relating to the same subject, which act took effect May 22d, 1869.

Was read a second time.

Mr. Scott offered the following amendment:

Amend by inserting after the word "begun," in the second line, 1st section, the words "or appraisement made."

Which was agreed to.

Mr. Scott offered the following amendment:

Amend by inserting in the fourth line, first section, the words: "Showing the water line, and all lands to be affected by such ditch before and after the completion of said work."

Which amendment was also adopted.

Mr. Dwiggins offered the following amendment:

Amend section 11, by inserting between the words "law" and "and" these words: "*Provided*, no bond or bonds shall be sold or otherwise disposed of, by any corporation heretofore or hereafter organized, or by any officer or agent thereof, for less than the par value thereof."

Mr. Martindale offered the following amendment to the amendment:

Insert "ninety-five cents to the dollar."

Which was agreed to, and the amendment as amended was then adopted.

Mr. Dwiggins offered the following amendments:

Amend section 2 by striking out, in lines two and three in the printed copy these words, "keeping up the organization and."

And by adding after the word "assessment," in the sixth line, the following: "*Provided*, no money shall be appropriated or expended in the payment of officers' salaries after the completion of the work."

Insert after the word "assessed" the following: "Such payment may be made to the treasurer of the corporation."

Which was agreed to.

On motion of Mr. Brown,

The bill was ordered engrossed, and passed to a third reading on to-morrow.

On motion of Mr. Gray,

The order of business was suspended, and

Senate Bill No. 202. A bill to amend section one of an act entitled "An act defining who shall be competent witnesses in any court or judicial proceeding in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act."

Was taken up, and read a second time.

Mr. Gray offered the following amendment:

Provided, That failure or refusal of any person, party defendant in a criminal action to testify, shall not be taken as presumptive of guilt, nor shall such failure or refusal to testify be alluded to or commented upon in the argument of counsel.

Which amendment was agreed to.

Senate Bill No. 202 was then ordered engrossed, and passed to a third reading on to-morrow.

On motion of Mr. Henderson,
The order of business was suspended, and

Engrossed House Bill No. 265. A bill to amend an act entitled
“An act prescribing the duties of, and fixing the compensation of
State Agent,” approved June 17, 1852.

Was taken up and read a second time, with the amendments
reported by the committee.

Mr. Martindale moved to amend by inserting after the words
“office expenses,” the words “and clerk hire.”

Which was agreed to, and the amendment as amended was then
adopted.

Mr. Dittimore moved to amend as follows:

Amend by making the salary \$1,500.

Mr. Denbo moved to lay the amendment upon the table.

Messrs. Dittimore and Denbo demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Hubbard,
Andrews,	Dougherty,	Johnson,
Armstrong,	Dwiggins,	Keigwin,
Beardsley,	Fosdick,	Lasselle,
Beeson,	Francisco,	Martindale,
Beggs,	Fuller,	Miller,
Bobo,	Glessner,	Morgan,
Bradley,	Gray,	Robinson,
Bird,	Green,	Rosebrough,
Carnahan,	Gregg,	Steele,
Case,	Hadley,	Straud,
Cave,	Henderson,	Taylor,
Caven,	Hess,	Wadge,
Collett,	Hooper,	Wood—42.

Mr. Dittimore voted in the negative.

So the motion to lay the amendment upon the table prevailed.

Mr. Dittmore offered the following amendment:

Amend by making the salary \$500.

Which was adopted, and

Engrossed House Bill No. 265 was ordered to be passed to a third reading on to-morrow.

On motion of Mr. Bradley,
The order of business was suspended, and

Senate Bill No. 28. A bill to amend an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof," approved May 13, 1852, creating an additional judge of said court, and declaring a vacancy.

Was taken up, read a second time, ordered engrossed, and passed to a third reading on to-morrow.

On motion of Mr. Glessner,

The order of business was suspended, and Senate Bill No. 71, a bill to amend the 4th section of an act entitled, "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith," approved February 25th, 1865.

Was taken up and read a second time, ordered engrossed and passed to a third reading on to-morrow.

On motion of Mr. Hadley,

The order of business was suspended, and Senate Bill No. 7, a bill providing for the publication of certain business therein named of boards of commissioners, fixing a penalty, designating the sessions when certain business shall be transacted, repealing all laws in conflict herewith and declaring an emergency, was taken up and read a second time with the amendments reported by the committee, and the amendments concurred in.

The bill was then ordered engrossed, and passed to a third reading on to-morrow.

On motion of Mr. Bradley,

The order of business was suspended, and Senate Bill No. 37, a

bill to amend an act entitled "An act districting the State for the purpose of electing four judges of the Supreme Court, and creating the Fifth District."

Was taken up and read a second time, ordered engrossed and passed to a third reading on to-morrow.

On motion of Mr. Beeson,

The order of business was suspended, and Senate Bill No. 24, a bill authorizing macadamized and gravel road companies, with the concurrence of township trustees, to levy a road tax in their respective districts.

Was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Caven,	Hubbard,
Armstrong,	Collett,	Johnson,
Beardsley,	Dougherty,	Martindale,
Beeson,	Dwiggins,	Miller,
Beggs,	Fosdick,	Morgan,
Bobo,	Fuller,	Robinson,
Bradley,	Glessner,	Rosebrough,
Carnahan,	Green,	Straud,
Case,	Hess,	Taylor
Cave,	Hooper,	Wood—30.

Those who voted in the negative were, Messrs.

Bird,	Gregg,	Hadley—5.
Francisco,		

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am instructed by the speaker of the House to inform the Senate that he has signed enrolled acts of the House, numbered 58 and 180, and entitled respectively "An act establishing Superior Courts," etc., and "An act relative to the disability of Circuit Judges to hold and discharge the duties of their office," etc., and the same are herewith transmitted to the Senate for the signature of the President thereof.

On motion, by Mr. Gray,

Engrossed House Bill No. 173, a bill to fix the time of holding Circuit Courts, and length of terms thereof, in the Counties composing the Seventh Judicial Circuit of Indiana.

Was taken up and read a first time.

Mr. Gray moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill may be read a second time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Alsop,	Collett,	Hooper,
Andrews,	Denbo,	Hubbard,
Armstrong,	Dougherty,	Johnson,
Beardsley,	Dwiggins,	Martindale,
Beeson,	Fosdick,	Miller,
Beggs,	Francisco,	Morgan,
Bobo,	Fuller,	Robinson,
Bradley,	Glessner,	Rosebrough,
Bird,	Gray,	Steele,
Carnahan,	Green,	Straud,
Case,	Gregg,	Taylor,
Cave,	Hadley,	Wood—38.
Caven,	Hess,	

No Senator voting in the negative.

So the rule was suspended, and the bill read a second time.

Mr. Gray moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Collett,	Hooper,
Andrews,	Denbo,	Hubbard,
Armstrong,	Dougherty,	Johnson,
Beardsley,	Dwiggins,	Martindale,
Beeson,	Fosdick,	Miller,
Beggs,	Francisco,	Morgan,
Bobo,	Fuller,	Robinson,
Bradley,	Glessner,	Rosebrough,
Bird,	Gray,	Steele,
Carnahan,	Green,	Straud,
Case,	Gregg,	Taylor,
Cave,	Hadley,	Wood—38.
Caven,	Hess,	

No Senator voting in the negative.

So the constitutional rule was suspended.

Engrossed House Bill No. 173. A bill to fix the time of holding Circuit Courts, and length of terms thereof, in the counties composing the Seventh Judicial Circuit of Indiana.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Bird,	Dwiggins,
Andrews,	Carnahan,	Fosdick,
Armstrong,	Case,	Francisco,
Beardsley,	Cave,	Fuller,
Beeson,	Caven,	Glessner,
Beggs,	Collett,	Gray,
Bobo,	Denbo,	Green,
Bradley,	Dougherty,	Gregg,

Hadley,	Martindale,	Rosebrough,
Hess,	Miller,	Steele,
Hooper,	Morgan,	Taylor,
Hubbard,	Robinson,	Wood—37.
Johnson,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Glessner,

The order of business was suspended, and Senate Bill No. 151, a bill to legalize certain acts of corporations, organized or attempted to be organized, under and by virtue of an act entitled "An act authorizing the construction of plank, macadamized, and gravel roads," approved May 12th, 1852, and acts supplemental thereto, was taken up and read a second time, ordered engrossed and passed to a third reading on to-morrow.

Mr. Martindale moved to take up the following resolution :

Resolved, That the committee on finance of the Senate, be and is hereby instructed to prepare and report a bill without delay, providing for the payment of all principal and interest now due, or that will become due prior to the fifth day of January, 1873, on the old internal improvement bonds not surrendered under the laws commonly called the Butler Bill, and acts amendatory thereof, and supplemental thereto, and that said bill shall provide for the payment of said principal and interest as to time, place of payment, and amounts, according to the terms of said bonds, and interest at the rate of six per cent. shall be allowed upon coupons over due from and after their maturity.

Which was agreed to.

Mr. Glessner offered the following amendment :

Insert after the word "to," the words "inquire into the expediency of."

Which was adopted.

Mr. Martindale moved that the four last lines of the resolution be stricken out.

Which was agreed to.

The question being on the adoption of the resolution as amended.

It was agreed to.

Mr. Taylor moved to suspend the order of business, that Senate Bill No. 174 may be taken up.

It was agreed to.

Senate Bill No. 174. A bill for an act to amend an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved may 12, 1869.

Was read a second time, with preceding amendments.

The question being on the adoption of the amendments as reported by the committee.

It was agreed to.

Mr. Dwiggin moved that the bill be ordered engrossed, and upon that demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the engrossment of the bill.

Messrs. Cave and Johnson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Martindale,
Beardsley,	Gregg,	Miller,
Beeson,	Hadley,	Morgan,
Beggs,	Hess,	Robinson,
Case,	Hooper,	Steele,
Caven,	Hubbard,	Straud,
Collett,	Johnson,	Taylor,
Dwiggins,	Keigwin,	Wadge,
Fosdick,	Lasselle,	Wood—28.
Glessner,		

Those who voted in the negative were, Messrs.

Alsop,	Carnahan,	Dougherty,
Armstrong,	Cave,	Francisco,
Bobo,	Denbo,	Fuller,
Bird,	Dittemore,	Rosebrough—12.

So the motion to engross the bill prevailed.

Mr. Hooper moved that the Senate do now adjourn.

It was agreed to.

WEDNESDAY MORNING.

FEBRUARY 15, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. J. H. Morrow, of the Fourth Presbyterian Church

The Journal of yesterday was being read, when,

On motion by Mr. Wood,

The further reading thereof was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Bradley presented the memorial from the State Board of Education.

Which was laid upon the table.

Mr. Miller presented a memorial from the Common Council of the City of Peru, asking the enactment of such equitable laws in reference to the construction of gravel roads as will insure the completion thereof.

Which was,

On motion,

Referred to the committee on corporations.

REPORTS FROM STANDING COMMITTEES.

Mr. Bradley, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 128, (introduced by Senator Morgan,) entitled an act to amend sections 349 and 350 of an act entitled "An act to revise,

simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of the State," etc., have had the same under consideration, and have instructed me to report the same back to the Senate, with the following amendments, to wit:

Amend the said bill as follows, to wit:

1st. Strike out from the first section all after the word "act," in the third line of said section, to and including the word "parties," in the seventh line of said section.

2d. Strike out from the second section of said bill all after the word "act," in the second line of said section, up to and including the word "verdict," in the 14th line of said section.

And when so amended, the committee would recommend its passage.

Mr. Bradley, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred engrossed House Bill No. 74, entitled "A bill to legalize certain bonds issued by the City of Columbus for the construction of water works," have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend that the said bill do lie on the table, for the reason that the provisions are all incorporated in enrolled Senate Act No. 1, which has passed the General Assembly, and become a law.

Which report was concurred in, and

Engrossed House Bill No. 74 was laid upon the table.

Mr. Wood, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 26, an act to amend an act entitled "An act to enable the owners of wet lands to drain and reclaim them, where the same can not be done without affecting the lands of others, and prescribing the powers and duties of county boards and county auditors in the

premises, and repealing all laws inconsistent therewith," approved March 11, 1867, by amending the title, and by amending sections 1, 3, 4, 6, 9, 11 and 12. That the title of said act be, and the same is hereby amended to read as follows:

"An act to enable and encourage the owners of wet lands and marshes to drain or reclaim them, when the work necessary thereto will affect the lands of others, and prescribing the powers and duties of county commissioners, county auditors and recorders in the premises, and repealing all laws inconsistent therewith," have had the same under consideration, and have directed me to report said bill, and recommend the following amendments to the same, to wit:

At the end of section two, add the following, to wit:

"Provided further, That when the notice herein provided shall be published in a newspaper, only the names of non-resident owners of lands, with the description of such lands, need be included in such publication."

Between the words "act" and "and," on line 35, sec. 7, page 6, printed bill, insert the following:

"And provided further, That in all actions or suits prosecuted under this act to recover the amount of any assessment as herein provided, any mistake in the description of lands so assessed, made by the appraisers, shall be amendable on the trial: *Provided,* the assessment shall have been made by the appraisers on view of the lands sought to be made liable, which mistake shall be averred in the complaint, and proved on the trial."

And when so amended, said committee recommend that the same do pass.

Mr. Henderson, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 185, (introduced by Mr. Wood,) being an act declaring the true intent and meaning of an act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies, approved May 12th, 1869, and legalizing certain elections held under said acts, have had the

same under consideration, and have directed me to report the same back to the Senate, with a recommendation that said bill do pass.

Mr. Denbo, from the committee on claims, submitted the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred the claim of John Lefler, Jr., for \$83.50, for money and interest thereon, alledged to have been paid for the purchase money of some real estate, of which the State's title thereto proved defective, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the same lie on the table.

Which report was concurred in, and the claim was laid upon the table.

Mr. Cave, from the committee on claims, submitted the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred the claim of John G. Greenawault, Adjutant General of the State, which is herewith returned, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that he be allowed the sum of five hundred dollars thereon, and that the same be referred to the committee on finance, with the request that the said sum of five hundred dollars, be incorporated in the appropriation bills.

Mr. Denbo dissents from this report, and asks that he may be so placed upon the record.

Which report was concurred in.

Mr. Carnahan, from the committee on claims, submitted the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred the claim of Lavina Hopkins for \$500, for alledged attorney's fees of her late

husband, Wm. S. Hopkins, deceased, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it do lie upon the table.

Which report was concurred in, and the claim was laid upon the table.

Mr. Bird, from the committee on claims, made the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred the claim of Mrs. Mary E. Coburn, which is herewith returned, have had the same under consideration, and a majority of said committee have directed me to report the same back to the Senate, with a recommendation that the same do lie on the table, for the reason that said claim was fully, completely and finally adjusted at the last session of the General Assembly, when the same was represented by her now deceased husband, and at which time he was allowed the sum of \$10,000 thereon, your committee are informed and believe that only the sum of \$2,000 of said amount ever came to the hands of the Coburns, where the balance, \$8,000 has gone to, they are unable to say, but they are fully impressed and satisfied that as the claim was adjusted at the last session of the Legislature, that she has no claim against the State; they admit that the lady is poor and needy, that her husband rendered valuable services to, and for the State, but they submit that the State has fully paid for the same, and that if she now has any claim, it is against those who have robbed the widow and orphan, and not against the State.

On motion of Mr. Caven,

The report was referred back to the committee on finance.

Mr. Carnahan, from the committee on claims, made the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred the claim of the Indianapolis, Cincinnati & Lafayette Railroad Company for \$95.70, for the transportation of soldiers, on the order of O. P. Morton, have had the same under consideration, and have instructed me to report

the same back to the Senate, with a recommendation that the same do lie on the table, as it is not now a claim against the State.

Which report was concurred in, and the claim was laid upon the table.

Mr. Johnson, from the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate bill No. 186, regulating the speed of locomotives through cities and incorporated towns, have had the same under consideration, and recommend its passage.

Mr. Johnson made the following report :

MR. PRESIDENT :

The committee to whom was referred sundry petitions and memorials, praying for a change in the divorce laws, have had the same under consideration, a bill having already passed the Senate answering the prayers of the petitioners; we deem any further action on the part of the Senate unnecessary, and therefore recommend that they lie on the table.

Which report was concurred in, and the several petitions were laid upon the table.

Mr. Johnson made the following report :

MR. PRESIDENT :

The committee to whom was referred petition No. 7, on protection for birds, have had the same under consideration, a bill having already passed the Senate, answering the prayer of the petitioners; we deem any further action on the part of the Senate unnecessary, and therefore recommend that it lie on the table.

Which report was concurred in, and petition No. 7, was laid upon the table.

Mr. Morgan, from the committee on benevolent institutions, submitted the following report :

MR. PRESIDENT:

The committee on benevolent institutions, to whom was referred Senate Bill No. 164, a bill to make further provision for the cure and treatment of the insane of the State, have had the same under consideration, and instructed me to report the same back to the Senate, with the recommendation that the blank in section 4 be filled by inserting "one hundred thousand dollars," and then recommend its passage.

Mr. Martindale submitted the following report:

MR. PRESIDENT:

The majority of the select committee, to whom was referred House Bill No. 19, a bill authorizing the Council of Jeffersonville to elect pilots, etc., have had the same under consideration, and report the same back, with the recommendation that the same do lay upon the table.

Which report was concurred in, and House Bill No. 19 was ordered to lie on the table.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled act No. 177, entitled an act defining what counties shall constitute the Twenty-First Common Pleas District and to fix the time of holding the courts therein, and repealing all laws inconsistent herewith, and the same is herewith transmitted to the Senate for the signature of the President thereof.

Message from the Governor, by John M. Commons, Private Secretary:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 15, 1871.

MR. PRESIDENT:

I am directed by the Governor to transmit to the Senate a message and accompanying papers, in response to the preamble and reso-

lution of the Senate, asking information in relation to the number of old Indiana bonds still outstanding.

JNO. M. COMMONS,
Private Secretary.

Gentlemen of the Senate:

I have the honor to acknowledge the receipt of your preamble and resolution passed yesterday, in relation to the allegation that there are still outstanding more old Indiana bonds issued prior to 1841, than were stated in my Message or in the Auditor's Report. My attention was immediately, after the discussion which occurred in the Senate on the 8th instant, called to the statement of Hon. Harvey D. Scott, Senator from Vigo, that there were more old Indiana Bonds outstanding than 191, alluded to in my Message and reported in the Report of the Auditor of State. I without delay, sought an interview with Mr. Scott and solicited to be informed as to the source and character of the information upon which he based his statement. In reply, Mr. Scott told me that he was informed by a banker of Terre Haute that a gentleman from Chicago had offered to sell to said banker, a considerable number of old Indiana Bonds on deposit with Messrs. J. F. D. Lanier & Co., of New York, and for which deposit the receipt of Messrs. Lanier & Co. was exhibited by the Chicago gentleman to the banker.

I immediately wrote to Mr. Charles Lanier, of the house of J. F. D. Lanier & Co., who has long acted as the Deputy Agent of State, the letter, of which a copy is herewith communicated marked "A," and I have received in reply thereto a communication a copy of which is also herewith transmitted, marked "B."

From this reply it is manifest that the securities alluded to by Mr. Scott in the discussion before mentioned, were *Wabash and Erie Canal stocks*, and not old Indiana bonds.

I am fully satisfied that the number of old Indiana bonds still outstanding does not exceed one hundred and ninety-one. There are still out some \$784,000 of what are known as "Stover Bonds," but as they are forgeries for which the State is not liable, and which I did not think it necessary to mention in the message.

An examination of the reports of the Auditor of State for the last twenty years will verify the truth of the statement that the present number of old Indiana bonds outstanding does not exceed one hundred and ninety-one (191.)

CONRAD BAKER.

STATE OF INDIANA, EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 9, 1871.

CHARLES LANIER, ESQ.,
New York City,

Dear Sir: I inclose you a slip containing a synopsis of a debate in the Senate of Indiana, which occurred on yesterday, the 8th instant, in which Mr. Scott, of Vigo, asserted that there are more State bonds or stocks outstanding than are mentioned in my message, or carried on the Auditor's Report. I called on Mr. Scott for information as to the facts upon which he based his statement and he informed me that a gentleman in Chicago has a considerable sum in Indiana stocks or bonds, said stocks or bonds being deposited with Messrs. J. F. D. Lanier & Co., of New York, and that the Chicago man showed the receipt of your house for the bonds and offered to sell them.

Will you inform me what foundation, if any, there is for this statement. Whether any such bonds are in the hands of your house, and if so, the date, character and amount of the bonds. State whether you know of any securities of the State, or stocks issued by State authority, except such as belong to one or the other of the following classes, viz:

1st. Old bonds issued prior to 1841, and not surrendered under the Butler Bill of 1847; the amount still out being about \$191,000, exclusive of interest.

2d. Five and two and one-half per cents, issued under the Butler Bill; amount still out about \$110,000.

3d. Canal stocks, issued under the Butler Bill, and charged upon the Wabash and Erie Canal, and upon which the State has never paid any interest.

I suppose that the bonds to which Mr. Scott alludes, if there is any foundation at all for the statement, must be some of those fraudulently issued by Stover, and which are, in point of fact, forgeries. Will you be so kind as to give me full information on the subject at your earliest convenience.

Respectfully yours,

(Signed)

CONRAD BAKER.

WINSLOW, LANIER & Co., BANKERS,
NEW YORK, February 11, 1871.

HON. CONRAD BAKER,
Indianapolis, Ind.:

Dear Sir: Your favor of the 9th inst. is at hand, and in reply, I have to state that the bonds you allude to as belonging to "a gentleman in Chicago, and left in the hands of Messrs. J. F. D. Lanier & Co.," can only be some of the Wabash and Erie Canal stocks, belonging to the estate of a former banker of that city, now deceased. These stocks were for a long time on deposit with Winslow, Lanier & Co., but have been surrendered by them to the executors of the said estate.

Trusting that this explanation will meet your wishes.

I remain, very respectfully, yours,

(Signed)

CHARLES LANIER.

SPECIAL ORDER.

The hour of 10½ o'clock having arrived, being the time fixed for the consideration of Senate Bills Nos. 40, 41, 60, 107 and 111, and engrossed House Bills Nos. 122 and 234, the same was taken up.

Senate Bill No. 40. A bill to amend an act entitled "An act to provide for a general system of common schools," etc., approved March 6, 1865, and adding supplemental sections thereto.

Was read a second time.

Mr. Dittmore offered the following amendment:

Amend section 4, line 3, by striking out five dollars per day for each day actually employed in the discharge of the duties of act, and insert four dollars per day.

Which was adopted.

Mr. Denbo moved to recommit the bill to the committee on education.

Mr. Martindale moved to lay the motion to recommit on the table.

Messrs. Denbo and Glessner demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Armstrong,	Dwiggins,	Morgan,
Beardsley,	Fosdick,	Robinson,
Beeson,	Gray,	Scott,
Bradley,	Green,	Steele,
Case,	Hadley,	Taylor,
Cave,	Hess,	Wadge
Caven,	Hubbard,	Williams,
Collett,	Martindale,	Wood—26.
Dittemore,	Miller,	

Those who voted in the negative were, Messrs.

Alsop,	Bird,	Gregg,
Andrews,	Carnahan,	Henderson,
Beeson,	Denbo,	Johnson,
Beggs,	Francisco,	Keigwin,
Bobo,	Fuller,	Rosebrough,
Brown,	Glessner,	Straud—18.

So the motion to lay upon the table was agreed to.

Mr. Gray offered the following amendment:

“If employed after such information is received.”

Which was adopted.

Mr. Glessner moved to indefinitely postpone the bill and pending amendments.

Messrs. Glessner and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Johnson,
Andrews,	Francisco,	Keigwin,
Beggs,	Fuller,	Rosebrough,
Brown,	Glessner,	Straud,
Carnahan,	Gregg,	Williams—17.
Cave,	Henderson,	

Those who voted in the negative were, Messrs.

Armstrong,	Dittemore,	Martindale,
Beardsley,	Dwiggins,	Miller,
Beeson,	Fosdick,	Morgan,
Bobo,	Gray,	Robinson,
Bradley,	Green,	Scott,
Bird,	Hadley,	Steele,
Case,	Hess,	Taylor,
Caven,	Hooper,	Wadge,
Collett,	Hubbard,	Wood—27.

So the motion to indefinitely postpone did not prevail.

Mr. Bobo offered the following amendment:

Instruct the committee to amend by striking out of section 5, from the word "shall," in first line, to the word "teacher," in second line, inclusive.

Which was not adopted.

Mr. Fosdick offered the following amendment:

Strike out the words "not less than," in line three, of section 4.

Which was adopted.

Mr. Dwiggins moved to amend as follows:

Amend section 4, by striking out these words, in line four of the printed bill, "and expenses."

Which was adopted.

Mr. Steele moved to amend as follows:

Strike out all of section 4, after the words "of him," in the thirteenth line.

Which was adopted.

Mr. Gray moved to amend as follows:

"*Provided*, That if required by any elector of an incorporated town or city, said license shall be approved by the county examiner before said teacher shall be authorized to teach."

Mr. Beggs moved to amend the amendment by striking out all of section 6.

Mr. Dwiggins moved to lay the amendment and the amendment to the amendment on the table.

A division being called,

The question first being on the motion to lay the amendment to the amendment on the table.

It was not agreed to.

The question then recurring on the motion to lay the amendment by Mr. Gray on the table.

It was agreed to,

Which also carried Mr. Beggs' amendment to the table.

Mr. Brown moved to strike out section 6th of said bill, No. 40.

Mr. Gray moved to amend by striking out of the 6th section only the words, "and incorporated towns."

Pending the consideration of which,

On motion, by Mr. Carnahan,

The Senate adjourned.

WEDNESDAY, FEBRUARY 15, 1871, 2 O'CLOCK P. M.

The Senate met.

Mr. Green moved to suspend the order of business in order to take up Senate Bill No. 180.

Which was agreed to, and,

Senate Bill No. 180, a bill declaring public squares so marked on the plats of towns not specifically donated to any purpose, to be a grant for common school purposes and authorizing school trustees or

the township trustee of such townships to take possession of and erect school buildings thereon.

Was read a second time, ordered engrossed, and passed to a third reading on to-morrow.

On motion of Mr. Green,

The order of business was suspended, and Senate Bill No. 192, a bill authorizing certain draining companies to amend their articles of association, declaring such company a valid corporation on the terms therein prescribed.

Was taken up and read a second time, ordered engrossed, and passed to a third reading on to-morrow.

By unanimous consent, Mr. Scott, from the committee on judiciary, submitted the following report :

MR. PRESIDENT:

The judiciary committee, to whom was referred Senate Bill No. 5, giving married women the right to join with their husbands in the execution of certain contracts, have had the same under advisement and have instructed me to report the same back to the Senate, and recommend its passage.

Mr. Scott, from the committee on judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred Senate Bill No. 188, an act defining certain felonies have had the same under advisement, and have instructed me to report the same back to the Senate with the recommendation that it lie on the table.

Which report was concurred in and Senate Bill No. 188 was laid upon the table.

Mr. Brown, by unanimous consent, introduced

Senate Bill No. 219, a bill to amend section 4 of an act entitled an act touching gaming contracts, approved June 11th, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Senate Bill No. 40 being under consideration at adjournment.

The question being upon the adoption of the amendment of Mr. Gray to Mr. Brown's motion to strike out section 6 of the bill.

By consent, Mr. Gray withdrew his amendment and offered the following as a substitute for the motion of Mr. Brown. Strike out section 6 and insert the following:

The trustees of cities and incorporated towns shall be authorized to conduct examinations of teachers for special grades in addition to the examination of the School Examiner.

Which was agreed to, and the amendment as amended was adopted.

Mr. Martindale offered the following amendment:

Insert at the end of section 4, as amended, "and the commissioners shall allow such examiner for days sufficient to enable him to make one visit to each school taught in the county."

Which was adopted.

Mr. Denbo moved to amend section 4 by inserting after the word "aforesaid" in line 11, these words, "not otherwise appropriated."

Which was adopted.

Mr. Glessner moved to strike out the words "or printed" in line 4, in first section.

Which was not agreed to.

Mr. Bradley offered the following amendment to section 4 as amended:

Strike out in 3d line the words "four dollars per day" and insert "not less than three nor more than five dollars per day, in the discretion of the board of county commissioners."

Which was adopted.

Mr. Andrews offered the following amendment:

After the word "shall" in the 10th line of the 3d section, insert these words, "in the month of November of each year."

Mr. Dwiggins moved to strike out "November" and insert "September."

Which was agreed to, and the amendment as amended, was adopted.

Mr. Denbo offered the following amendment to section four:

Strike out these words, "the school examiner shall have an office furnished him by the county commissioners at the county seat."

Which was not adopted.

Mr. Morgan moved to reconsider the vote by which section 6 was stricken out, and the substitute therefor adopted.

Mr. Bradley moved to lay that motion upon the table.

Which was agreed to.

Mr. Beggs moved to amend lines 6 and 7, of section 8, by striking out the words "to the grand jury, at their next session in his county, and also."

Mr. Martindale moved to lay the amendment upon the table.

Which was agreed to.

Mr. Morgan moved to strike out the word "cities," in the fifth line of the ninth section.

Mr. Brown moved to lay the amendment upon the table.

Which was agreed to.

Mr. Bradley moved to amend section 3, by adding after the word "forfeiture," in the eighteenth line, the following: "*Provided*, they are collectable."

Amend further by striking out the following words, in the nineteenth and twentieth lines, "in a sum not less than double such amounts;" and insert the following, "in a sum equal to such amounts, with interest at ten per cent., with ten per cent. penalty and costs of suit."

Which was adopted.

Mr. Denbo moved to amend section 8, by inserting the word "sheriff," in the second line, after the word "clerk."

Which was adopted.

The bill was then ordered engrossed, and passed to a third reading on to-morrow.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 231, entitled "An act authorizing the making and recording of city plats, and making the same, and copies of the record, competent evidence."

Also, engrossed House Bill No. 266, entitled "An act to amend the sixth section of an act to provide for the custody and management of the notes, bonds and mortgages arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners."

Also, engrossed House Bill No. 307, entitled an act to amend section 2 of an act entitled "An act creating the Twenty-Third Common Pleas District, and making provisions therefor, and repealing all conflicting laws," approved March 11, 1867, providing for the return of process, and repealing all laws in conflict therewith.

Also, I am directed by the Speaker of the House to inform the Senate that he has signed enrolled House Bill No. 173, entitled "An act to fix the time of holding Circuit Courts, and length of terms thereof, in the counties composing the Seventh Judicial Circuit of Indiana."

And the same are herewith transmitted for the action of the Senate.

SPECIAL ORDER.

The hour of 2½ o'clock having arrived, the consideration of the majority and minority reports of the select committee upon woman's suffrage, being the special order for this hour, the same were taken up and read, the minority report of said committee embodying

Senate Joint Resolution No. 11. A joint resolution proposing an amendment to the Constitution of the State, by adding to the second

article a section conferring upon the women of the State, over the age of twenty-one years, the right to vote.

After due deliberation and discussion of the subject of woman's suffrage.

The question being, upon the adoption of joint resolution No. 11 embraced in the minority report.

Mr. Brown moved to amend by inserting the word "white" immediately preceding the word "female," wherever it occurs in the resolution.

Mr. Wood demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, upon the adoption of the amendment offered by Mr. Brown.

Messrs. Brown and Morgan demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Henderson,
Armstrong,	Dittmore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Elliott,	Lasselle,
Bradley,	Francisco,	Morgan,
Brown,	Fuller,	Rosebrough,
Bird,	Glessner,	Straud,
Carnahan,	Gregg,	Williams—25.
Cave,		

Those who voted in the negative were, Messrs.

Andrews,	Caven,	Gray,
Beardsley,	Collett,	Green,
Beeson,	Dwiggins,	Hadley,
Case,	Fosdick,	Hess,

Hooper,	Robinson,	Taylor,
Hubbard,	Scott,	Wadge,
Martindale,	Steele,	Wood—22.
Miller,		

So the amendment was adopted.

The question being, upon the adoption of the minority report, the same being Senate Joint Resolution No. 11.

Those who voted in the affirmative were, Messrs.

Andrews,	Collett,	Lasselle,
Beardsley,	Dittemore,	Miller,
Beeson,	Dwiggins,	Robinson,
Beggs,	Fosdick,	Scott,
Brown,	Green,	Steele,
Case,	Hess,	Taylor—20.
Caven,	Keigwin,	

Those who voted in the negative were, Messrs.

Alsop,	Elliott,	Hubbard,
Armstrong,	Francisco,	Johnson,
Bobo,	Fuller,	Martindale,
Bradley,	Glessner,	Morgan,
Bird,	Gray,	Rosebrough,
Carnahan,	Gregg,	Straud,
Cave,	Hadley,	Wadge,
Denbo,	Henderson,	Williams,
Dougherty,	Hooper,	Wood—27.

So joint resolution No. 11 was not adopted, and the minority report of the committee was not concurred in.

The question being, upon concurring in the majority report of the committee.

Messrs. Martindale and Beeson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Armstrong,	Bobo,
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Bradley,	Elliott,	Johnson,
Bird,	Francisco,	Morgan,
Carnahan,	Fuller,	Rosebrough,
Cave,	Glessner,	Williams,
Denbo,	Gregg,	Wood—20.
Dougherty,	Henderson,	

Those who voted in the negative were, Messrs.

Andrews,	Dwiggins,	Lasselle,
Beardsley,	Fosdick,	Martindale,
Beeson,	Gray,	Miller,
Beggs,	Green,	Robinson,
Brown,	Hadley,	Scott,
Case,	Hess,	Steele,
Caven,	Hooper,	Straud,
Collett,	Hubbard,	Taylor,
Dittemore,	Keigwin,	Wadge—28.

So the majority report was not concurred in.

Mr. Dittemore moved that the Senate do now adjourn.

It was agreed to.

THURSDAY MORNING.

FEBRUARY 16, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. Thos. H. Lynch, of Grace M. E. Church, of Indianapolis.

The Journal of yesterday was read and approved.

Mr. Hooper moved that the regular order of business be suspended, and that the special order of yesterday at 10½ o'clock, upon the school bills, be resumed.

Which was agreed to.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 22, entitled an act to amend an act entitled "An act to enable owners of wet lands to drain and reclaim them, where the same can not be done without affecting the lands of others, and prescribing the powers and duties of county boards and county auditors in the premises and repealing all laws inconsistent therewith," approved March 11, 1867, etc., and the same is herewith transmitted to the Senate.

Mr. Henderson moved a call of the Senate.

Which was agreed to.

The Secretary proceeded with the call.

Those who answered to their names were, Messrs.

Alsop,
Andrews,

Armstrong,
Beardsley,

Beeson,
Beggs,

Bobo,	Fuller,	Lasselle,
Bradley,	Glessner,	Martindale,
Bird,	Gray,	Miller,
Carnahan,	Green,	Morgan,
Case,	Gregg,	Robinson,
Cave,	Hadley,	Rosebrough,
Caven,	Hamilton,	Scott,
Collett,	Henderson,	Steele,
Denbo,	Hess,	Straud,
Dougherty,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Johnson,	Williams,
Francisco,	Keigwin,	Wood—45.

Mr. Martindale moved that further proceedings under the call be dispensed with.

Messrs. Martindale and Gray demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Fosdick,	Miller,
Beardsley,	Gray,	Robinson,
Beeson,	Green,	Scott,
Case,	Hadley,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Dwiggins,	Martindale,	Wood—22.

Those who voted in the negative were, Messrs.

Alsop,	Cave,	Henderson,
Armstrong,	Denbo,	Johnson,
Beggs,	Dittemore,	Keigwin,
Bobo,	Dougherty,	Lasselle,
Bradley,	Francisco,	Morgan,
Brown,	Fuller,	Rosebrough,
Bird,	Glessner,	Straud,
Carnahan,	Gregg,	Williams—24.

So the motion was not agreed to.

On motion of Mr. Hooper,
The Senate adjourned.

THURSDAY AFTERNOON, 2 O'CLOCK.

The Senate met.

Mr. Henderson, by consent, submitted the following report :

MR. PRESIDENT :

A majority of the select committee, to whom was referred the petition of of William B. Kline and others, beg leave to report, that in their opinion and judgment, the charges made in said petition against John W. Burson of bribery and corruption in procuring his election are fully proven by the evidence, taken by said committee, and in support of their opinion on this subject, they beg leave to refer to the testimony of the following witnesses, viz :

I. The testimony of Capt. William Lewis, the trustee of Washington township, Delaware county, Indiana, and a former member of the Republican Central Committee of that county, but who withdrew therefrom, on account of the manner in which the primary election to nominate candidates for that party in that county was conducted, shows, that after his withdrawal from said committee, and a few weeks before the general election in October last, John W. Burson offered to give him two hundred dollars for his vote ; and on Capt. Lewis saying his vote was not worth that much, repeated the offer by saying, "I mean for your vote and influence."

It is shown by the evidence of Capt. Lewis and others that the opposition to Mr. Burson, by the members of his own party in that township was general and strong. The testimony also shows that Capt. Lewis was a man of influence in his party in that locality ; and that for a time, after the primary election in June, 1870, he acquiesced in the nomination of Mr. Burson, and indicated his intention to support him ; but that he afterwards determined not to do so, and for some time prior to the final election opposed him vigorously. The evidence of Captain Lewis is direct, unequivocal, and

satisfactory ; and although an effort was made indirectly to impeach him, we regard it as a failure. No material fact in his testimony is contradicted by any witness, and the testimony of a number of witnesses who were called to contradict him upon matters, almost, if not entirely collateral and immaterial to the subject-matter of the inquiry, is so contradictory in its character, and is shown by other evidence to be so improbable, as to render it, in our opinion, unworthy of credit, and some of these same witnesses corroborate him in respect to the goodness of his general moral character and his reputation for truth and veracity. Indeed, no effort has been made, directly, by the defense, to impeach either his general moral character, or his general reputation for truth ; while, on the other hand, both are shown by the testimony of a number of witnesses to be good ; that both his moral character, and his character for truth, are good beyond all question, is fully established.

II. Walter Everett's testimony shows that, while he did not get anything of value *directly* for voting for Mr. Burson, he did, as he admits, get pay *indirectly* for so voting, and for electioneering for Mr. Burson ; that he got a payment of \$15 on the premium of a policy of insurance on his life. This Mr. Burson gave him as a present, on the 2d day of September, before the election. In his cross-examination, Mr. Everett says, in answer to the question, "Did you ever get anything for voting for Mr. Burson?" "Nothing but the policy." Although Mr. Everett swears that it was a present merely, yet his whole testimony conclusively shows that it was given with reference to the election, and his support of Mr. Burson for the Senate, and that Everett so understood it.

III. The same is equally true of James Blount, to whom Mr. Burson, at the same time, through Mr. Everett, gave a similar present of \$15 on the premium of his life policy. It is true Mr. Blount does not admit, as Mr. Everett does, that he received this present in consideration of his support, either directly or indirectly ; but there is much in the disingenuous character of Mr. Blount's testimony, and in his interference in Mr. Burson's favor, with other witnesses against Mr. Burson, in this investigation as shown by the testimony of John Gilbert, whom he induced to change his testimony and other witnesses, that goes to show the strength of Blount's feeling in favor of Mr. Burson and his prejudices against a fair investigation. It is shown by the testimony of Blount and Everett

that they are, and were at the time of receiving these presents, partners in carrying on the shoemaking business; and that prior to that time, Mr. Burson had not even given them his patronage in their business. It is but fair and reasonable to conclude, in both these instances, that Mr. Burson made the presents from the corrupt motive of influencing the votes of Everett and Blount, and their actions in and about the election; especially in view of the fact that the testimony shows them to have been very active in the interest of Mr. Burson from that time forward.

IV. Mr. Henry Cline testifies to the fact, that being at the office of the "Muncie Times" newspaper, to settle for the last year's subscription, and being asked to continue his subscription for the next year, he declined, on the ground that he had not the money to pay for it. Mr. Burson was present and following Cline out of the office, then told him that he would pay for the paper for him if he would vote for him, Burson, and placed a five dollar bill in his hands for that purpose, telling him to go and pay for the paper \$1.50, and bring back to him, Burson, the change. The proprietor of the paper, not being able to make the change, the whole bill was brought back to Mr. Burson, who then went to the bank and gave Mr. Cline the \$1.50 in change, which Cline then paid for the year's subscription to the "Muncie Times." The general character of Henry Cline is successfully assailed and impeached by the testimony of his neighbors, but when it is remembered, that men who commit bribery, generally approach those whom they believe to be corruptible, and that no witness was called to disprove any of the circumstances immediately connected with the offer of Mr. Burson, and that some of the impeaching witnesses say they would believe him under oath when he was not interested. We can not but regard the tender and gift of money by Mr. Burson to Henry Cline as proved, and that the motive of the act was corrupt.

V. William Saunders, sometime in 1863 or 1864, subscribed eight hundred dollars to the capital stock of the "Muncie and Wheeling Turnpike Company," upon a contract that they should receive twenty-seven acres of land which he owned, in payment for said stock.

It is shown that some time in April, 1870, Mr. Burson wrote to Mr. Saunders, to call and see him, Burson, who had become a stock holder and director in said company. At this time Mr. Saunders

was opposing Burson's nomination, on account of this subscription, and the failure of the road, and Mr. Burson's connection therewith, and for other reasons. He called on Mr. Burson at the National Bank at Muncie, and says that after talking over the matter of his subscription with Mr. Burson, and the matter of Mr. Burson's election and his opposition thereto, it was understood that Mr. Saunders should go home and use his influence for the nomination of Mr. Burson, and subsequently for his election; and that for that he, Burson, would direct the directors of said company to release said land to Saunders.

It is not shown that the land has yet been released, but the promise to release, or direct the directors to release, is proven; and it is also shown that in consideration of that promise, Saunders changed front with respect to Mr. Burson's nomination and election to the Senate. He says that he supported Mr. Burson at the primary election on account of that interview with him, and that he would not have supported him at the final election if he had not been thus induced to support his nomination.

It is shown, we grant, that the individual directors had in February before Mr. Burson wrote to Saunders to come and see him, given Mr. Burson authority and direction to close up the Saunders subscription, either by compromise with Saunders, or a release of the lands to him, they leaving the whole matter in Mr. Burson's hands; but this direction and authority is not shown to have been made by any regular order of the board; nor does it appear that any record thereof, was ever made on the books of the company. It would therefore lack legal validity; but even if it did not, it does in no way tend to exonerate Mr. Burson from the corrupt representations and promise to Saunders. The evidence shows that Mr. Burson kept Saunders entirely ignorant of the action of the directors; and made him believe that the whole prospect of releasing the land, would depend upon the action of him, Burson, and would be accomplished by his own efforts, provided Saunders would support and electioneer for him. If he were authorized to release the lands, or compromise the matter with Saunders, he acted falsely to both the company and Saunders, and corruptly to Saunders also.

VI. It is shown by the testimony of Charles W. Riggs, that before the primary election in Delaware county, Mr. Burson met

him and asked him to do all he could for him, Burson, telling him at the same time, that he could not afford to work for him, Burson, unless he was paid for it; that he, Riggs, at that time refused to take any money; that he had further conversations with Burson after the primary election; that he, Riggs, a short time before the general election had a conversation with one, Dr. Mitchell, in which Riggs told him that he knew of three men that if we could get them to work late and early, would make a nice thing for Burson; that Riggs a short time before the election, called on Mr. John Marsh, at the National Bank in Muncie, of which Mr. Marsh is President, and Mr. Burson, Cashier; and asked for and obtained money to be used in and about the election of Mr. Burson.

The amount received by Riggs he says he does not recollect, his memory being very poor—but says it was fifteen or twenty dollars. A portion of this money Riggs testifies, he gave to Chancy Delong, to pay him for working on the day of the election for Mr. Burson. He testifies that he had an arrangement made with Delong beforehand to pay him for working on election day; but Delong testifies that it was not made until the morning of that day. Riggs testifies that he does not know how much money he gave Delong, but thinks it was three or four dollars. When asked to whom he gave the remainder of the money received from Marsh, Riggs replied: “To persons I do not know that I am compelled to tell.” When pressed to disclose to whom he gave the money, and instructed as to what would be the consequence of a refusal, he then states that he gave the money to three men at Alexandria, Madison county, distant several miles from his residence, whose names he says he can not remember, in order to get them to work for Mr. Burson’s election; says he “knows their faces but can not recall their names.”

This was evidently a dodge upon the part of the witness, to avoid the necessity of disclosing the names of the parties to whom money was given by him, and to prevent their being called as witnesses. This avowal of ignorance was equivalent to burning the bridge between him and the pursuit of that line of investigation in which the committee was engaged. Although the witness testifies that none of the money was used to pay for votes; yet his whole testimony clearly shows that his action in the premises was corrupt, and that he was acting as the agent of Mr. Burson in the matter.

VII. There are many circumstances developed by the evidence,

that must give rise to strong suspicion of unfair practice on the part of Mr. Burson to secure his election. One witness, David Buchanan, a saloon keeper in Muncie, and a friend of Mr. Burson, testifies that he never received any money from Mr. Burson, directly or indirectly, to be used to procure his election; that a short time before the October election, he found on the floor of his saloon in Muncie, a package directed to him, in a hand-writing unknown to him, which package contained money—ten dollars; that he picked it up, said nothing about it to any person, expressed nor felt no surprise at the occurrence; that soon after he paid a portion of the money to one George Robinson unasked, for going out into the country to electioneer for Mr. Burson, that he, Buchanan, asked Robinson if he had been paid for his work, and upon receiving a negative answer, paid him a portion of the money. Robinson testified to having received the money for the services indicated.

Judge Richard Lake, and William Luce of Anderson, testify that on the Saturday before the October election, they saw Mr. Burson while in conversation with Henry Vineyard, on the streets of Anderson, take out his pocket book and give Mr. Henry Vineyard something that looked like money. This was taken by Vineyard and put in his pocket. It is also shown by these two witnesses that Vineyard is a person without principle, and who is in the habit of working in elections for pay, and of buying votes. Vineyard himself testifies that the Hon. Thomas Stillwell, employed him and gave him money to buy votes for one McCullough with; and that on the day of the October election, he did employ that money in buying votes according to his engagement. He also says that he could not afford to work without being paid.

It is shown by the testimony of Hon. Howell D. Thompson, that he met Henry Vineyard on the morning of the election on the streets of Anderson, having in his possession a large number of Democratic tickets containing the name of Mr. Burson, as a candidate for the Senate; that when asked why he was using such tickets, Vineyard replied: "That he was appointed to do it. He was a poor man and had to be paid for his work, that he was hired to do it." When asked whether he was giving as much for votes as he had given at the primary election in the spring, he said: "I am giving a dollar a vote, to vote that ticket, that he was buying votes for Mr. Burson." It is also shown by the testimony of Mr.

Thompson, that at that primary election, votes were sold just like sheep in the market.

This man Vineyard, thus known in the neighborhood where he resides, thus subsidized by the Hon. Thomas Stillwell, and employed, as he testifies, by him as an instrument of bribery, testifies that he had never known Mr. Burson until the day he received this money; that he was introduced that day to Mr. Burson by Hon. Thomas Stillwell, a few minutes before he got the money. Vineyard swears that the sum received was ten dollars; he says that he *borrowed* it of Mr. Burson to pay a debt; but upon inquiry says he had so many little debts that he can not tell what debt he got it to pay; that he has paid the money back to Mr. Burson. But upon being further examined, it is disclosed that he never paid it back until after he was served with process to attend and testify before the committee; that he then learned that Mr. Burson would be passing Anderson, on the train at a certain time, and at that time he went to the depot, and handed the money to Mr. Burson in an envelop; that after he had been served with process to attend and testify before the committee, that when he came into Anderson, on his way to Indianapolis as a witness, he heard a great deal of talk about the ten dollars he had borrowed from Mr. Burson. He heard Mr. Stillwell and some others talking about it, and that put him in the notion of borrowing the money; and learning that Mr. Burson would pass Anderson that morning, on his way to Indianapolis, he concluded he would pay him back.

He was asked where he got the money with which he paid Mr. Burson, and said, "The money I paid him back was my own money. I worked for it on the farm. I got it from my own labor. No man or woman handed that money to me." When interrogated thus: "Who paid it to you for your labor?" he answered, "I worked for it myself." Question: "At what business?" "I am a farmer. I have corn and a good many other things to sell." "Whom did you sell your corn or something to, that you got this money for?" "I made it in my daily labor. I worked on the farm, and made the money, and paid it back to him." And finally, "I borrowed the money to pay it from John Nelson."

Mr. Nelson is shown to be a warm friend and supporter of Mr. Burson. Hon. Thomas Stillwell is also shown by the testimony to have been a zealous supporter of Mr. Burson; and though present

before the committee, and at the close of the case reserved as a witness, does not see fit to take the stand to deny what Vineyard has testified concerning their joint bribery. The evidence certainly shows Vineyard to have been the corrupt agent of Mr. Burson. The agency established all that Vineyard said and did, with respect to buying or offering to buy votes, becomes the act of Burson. Clear proof of agency in any such business need not be expected. Such agencies and purposes are only registered in the hearts of the principal and agent, and alluded to in terms that convey no meaning save to the initiated.

While Vineyard swears that he did not employ any money to buy votes for Mr. Burson, yet the disingenuous, rambling, contradictory and evasive character of his testimony goes far to show that he acted corruptly for Mr. Burson, at the election. The act of borrowing the money to pay back this alleged loan; the manner in which it was done, together with that in which it was disclosed, and all the surrounding circumstances, in our opinion, equivalent to a confession of bribery.

It should also be remembered that the testimony of Mr. Burson is not offered to contradict or explain the testimony of any of the witnesses who testified.

In consideration of the evidence before the committee, the undersigned can not avoid the conclusion that John W. Burson, during his candidacy for a seat in the Senate, did both offer and give bribes and rewards to procure his election thereto. They, therefore, offer for adoption the following preamble and resolution, namely:

WHEREAS, Section six, of Article ten, of the Constitution of the State of Indiana, says, "Every person shall be disqualified from holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward to procure his election;" and,

WHEREAS, In the opinion of a majority of the committee, the provisions of the Constitution, as above cited, has been clearly violated by John W. Burson; therefore,

Resolved by the Senate, That John W. Burson is disqualified from holding the office of State Senator, and that the said John W. Bur-

son is not entitled to a seat on this floor as Senator from the counties of Delaware and Madison, and that the same be declared vacant.

(Signed,)

E. HENDERSON,
J. D. WILLIAMS,
JASON B. BROWN,
JAMES ELLIOTT.

Mr. Dittemore moved a call of the Senate.

Which was agreed to.

The Secretary proceeded with the call.

Those who answered to their names were, Messrs.

Alsop,	Dittemore,	Hubbard,
Andrews,	Dougherty,	Johnson,
Armstrong,	Dwiggins,	Keigwin,
Beardsley,	Elliott,	Lasselle,
Beeson,	Fosdick,	Martindale,
Beggs,	Francisco,	Miller,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Robinson,
Brown,	Gray,	Rosebrough,
Bird,	Green,	Scott,
Carnahan,	Gregg,	Steele,
Case,	Hadley,	Straud,
Cave,	Hamilton,	Taylor,
Caven,	Henderson,	Wadge
Collett,	Hess,	Williams,
Denbo,	Hooper,	Wood—48.

By consent, the further proceedings under the call were dispensed with.

Mr. Scott, from a minority of said committee, by consent, submitted the following report :

MR. PRESIDENT:

The undersigned member of the select committee in the case of John W. Burson, to whom was referred the credentials of the said John W. Burson as well as the memorial of Mr. Wm. B. Kline, and

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others of Delaware county, charging the said John W. Burson, among other things, with attempting to bribe the electors of said county of Delaware, report that the credentials of said John W. Burson are in due form of law, and in the opinion of the undersigned, entitle the said John W. Burson to a seat in this Senate.

That by the direction of the resolution of reference, witnesses have been examined for the purpose of proving the truth of the memorial, as no person was mentioned in the memorial, who had been bribed or offered a bribe, the proposition was open to all the inhabitants of the two counties who felt like casting in their mite to make up the general total. They came liberally, and were examined to near eighty in number, and out of about sixty examined by the memorialists, they have selected some five or six from whom some facts were supposed to be elicited, affording some grounds for suspicion against Mr. Burson, the balance of all that array are admitted to be without any value in the position. Beyond the patent fact that much bad blood was engendered in the counties of Delaware and Madison in the late contest, over some local candidate whose quarrels are as unintelligible, as unimportant to outsiders, the undersigned does not see in the transactions any unusual or alarming incidents connected with said canvass, and saving as to the testimony of one Lewis, any matter that may not be more consistently explained on other and more reasonable grounds, than charged in the memorial, and had said memorial charged that these five or six persons were the ones to whom the memorialists charged bribes were offered or given, and the persons designated to whom bribes were offered, and those to whom they were given, so that the accused could have faced his accusers prior to their being unmasked on the witness stand, the undersigned would have felt like measuring the testimony, with a less liberal hand in applying it to the purposes of the memorial, and now feel warranted by every principle of fairness and right, and in strict accordance with the law, in giving Mr. Burson the benefit of any doubt the undersigned may have as to the failure of the memorialists to make good their allegations. It being so repugnant to every principle of justice as administered in courts of record a mode of crime by a witness on the stand, and require him to produce his defense as in a case on trial, and then to require his defense to be as complete as though he had known his antagonist.

The undersigned can not unite with the majority in the conclu-

sions, and as to all of said witnesses relied upon by the memorialists except Lewis. The undersigned, is of opinion that their statements have been so explained and contradicted and impoverished, that no reliable conclusion can be arrived at from such statements, and the undersigned discards them as worthless.

The said Lewis in the opinion of the undersigned is unworthy of belief in this matter, whatever may be his character or credibility as to others. And the undersigned have been driven to this conclusion by the improbability of his statement, and his utter disregard of truth, his fierce and malignant prosecution of his sworn purpose to defeat Mr. Burson, coupled with the fact proved that he admitted Mr. Burson had not offered him anything in the way of a bribe, shortly after the election; coupled with the further fact that he was, as appears by the evidence, the sworn champion of the opposition to Mr. Burson, and assuming the responsibility of all work too dirty and mean for any other person to acknowledge; coupled with the further fact that this prosecution was about to fail for the want of the requisite testimony to sustain it, when this man appears as about the forty-first witness with this story of an offer to pay him two hundred dollars for his vote and influence in the canvass. And whether he has wrought himself up to the belief that to deprive Mr. Burson of his seat in this Senate, would be more credit to him (Lewis) as a political manager, than damage to him as a man of truth, can be best determined by a comparison of the statement made by him with regard to the part played by him in the canvass, and the statement of his neighbors. No candid man can examine his testimony in connection with that brought to bear against him, and say that Lewis stands fair as a witness. He is flatly contradicted by more than one person on material points, and his testimony does not afford to the undersigned that clear conviction of its truth, which would warrant him in finding that it outweighed the general presumption of fairness in the election, which a clear and marked majority of the people affords, and without which, any election would be a farce.

The undersigned therefore find that the allegations of said memorial are not sustained, and he recommends the adoption of the following resolution:

Resolved, That John W. Burson is entitled to the immediate enjoyment of all the privileges of a Senator on this floor, to which his election entitles him as evidenced by his credentials.

HARVEY D. SCOTT.

Mr. Brown moved that only that part of the evidence be read that is referred to in the reports of the majority and minority, and relied upon in said reports as sustaining either of said reports.

The President decided the motion to be out of order, and from that decision Mr. Brown submitted the following appeal:

Senator Brown having moved that only so much of the evidence in the case of John W. Burson be read as is referred to in the majority and minority reports, and relied upon in said reports as sustaining either of said reports, and the President of the Senate having decided the same out of order, and the undersigned appeal from the President's decision to the good judgment of the Senate.

(Signed)

JASON B. BROWN.
E. HENDERSON.

Mr. Glessner demanded the previous question.

The question being, upon seconding the demand.

Messrs. Martindale and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Johnson,
Armstrong,	Dittemore,	Keigwin,
Beggs,	Dougherty,	Lasselle,
Bobo,	Elliott,	Martindale,
Bradley,	Franciseo,	Morgan,
Brown,	Fuller,	Rosebrough,
Bird,	Glessner,	Straud,
Carnahan,	Gregg,	Williams—26.
Cave,	Henderson,	

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Robinson,
Beeson,	Green,	Scott,
Case,	Hadley,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Dwiggins,	Hubbard,	Wood—20.
Fosdick,	Miller,	

So the demand was seconded.

Mr. Martindale moved to reconsider the vote just taken seconding the demand for the previous question.

Mr. Dittimore moved to lay the motion to reconsider upon the table.

Messrs. Cave and Dougherty demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Cave,	Gregg,
Armstrong,	Denbo,	Henderson,
Beggs,	Dittimore,	Johnson,
Bobo,	Dougherty,	Keigwin,
Bradley,	Dwiggins,	Morgan,
Brown,	Francisco,	Rosebrough,
Bird,	Fuller,	Straud,
Carnahan,	Glessner,	Williams—24.

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Case,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wadge,
Elliott,	Martindale,	Wood—22.
Fosdick,		

So the motion to lay on the table was agreed to.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the decision of the Chair stand as the decision of the Senate?

Messrs. Brown and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Beardsley,	Beeson,
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Case,	Green,	Robinson,
Caven,	Hadley,	Scott,
Collett,	Hess,	Steele,
Dwiggins,	Hooper,	Taylor,
Elliott,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—23.
Gray,	Miller,	

Those who voted in the negative were, Messrs.

Alsop,	Cave,	Henderson,
Armstrong,	Denbo,	Johnson,
Beggs,	Dittemore,	Keigwin,
Bobo,	Dougherty,	Lasselle,
Bradley,	Francisco,	Morgan,
Brown,	Fuller,	Rosebrough,
Bird,	Glessner,	Straud,
Carnahan,	Gregg,	Williams—24.

So the decision of the Chair was not sustained.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed Senate Bill No. 4, entitled "An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions;" and the same is herewith returned to the Senate.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate that the House has passed House Joint Resolution No. 14, entitled "A joint resolution on the subject of gifts to Presidents and Presidential candidates," and the same is herewith transmitted to the Senate.

Also, engrossed House Bill No. 339, entitled an act to amend section 22 of an act entitled "An act for the incorporation of towns,

defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11th, 1852, and for legalizing the acts of certain persons and officers therein named, and the same is herewith transmitted to the Senate.

Mr. Beardsley moved that the Senate do now adjourn.

One tenth of the Senators demanding the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Gregg,	Robinson,
Beeson,	Hadley,	Scott,
Case,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Fosdick,	Hubbard,	Wadge,
Gray,	Martindale,	Wood—22.

Those who voted in the negative were, Messrs.

Alsop,	Denbo,	Henderson,
Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Dwiggins,	Lasselle,
Bradley,	Elliott,	Morgan,
Brown,	Francisco,	Rosebrough,
Bird,	Fuller,	Straud,
Carnahan,	Glessner,	Williams—25.
Cave,		

So the motion to adjourn did not prevail.

The question recurring on the motion by Mr. Brown.

Mr. Dwiggins offered the following amendment:

Amend the resolution of the Senator from Jackson, so that all the evidence pertinent to the case, shall be read, and that a committee of six be appointed by the chair to determine what part of the evidence is pertinent.

Mr. Steele moved the Senate do now adjourn.

One tenth of the Senators demanding the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Case,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wadge,
Dwiggins,	Martindale,	Wood—22.
Fosdick,		

Those who voted in the negative were, Messrs.

Alsop,	Cave,	Henderson,
Armstrong,	Denbo,	Johnson,
Beggs,	Dittemore,	Keigwin,
Bobo,	Dougherty,	Lasselle,
Bradley,	Francisco,	Morgan,
Brown,	Fuller,	Rosebrough,
Bird,	Glessner,	Straud,
Carnahan,	Gregg,	Williams—24.

So the motion to adjourn was not agreed to.

Mr. Brown moved the previous question.

The question being, on seconding the demand.

Messrs. Brown and Beggs demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Henderson,
Armstrong,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Bobo,	Dwiggins,	Morgan,
Bradley,	Francisco,	Robinson,
Brown,	Fuller,	Rosebrough,
Bird,	Glessner,	Straud,
Carnahan,	Gregg,	Williams—25.
Cave,		

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Martindale,
Beardsley,	Green,	Miller,
Beeson,	Hadley,	Scott,
Case,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wadge,
Fosdick,	Lasselle,	Wood—21.

So the previous question was seconded by the Senate.

Mr. Dwiggins moved to reconsider the vote just taken on seconding the demand for the previous question.

Mr. Case asked and obtained leave of absence until Tuesday next.

Mr. Lasselle offered the following resolution:

Resolved, That a committee consisting of Senators Williams, Andrews, Henderson, Green, Bradley and Scott be appointed to report, by to-morrow morning, that portion of the evidence to be read to the Senate.

Which was adopted.

On motion by Mr. Martindale,
The Senate adjourned.

FRIDAY MORNING.

FEBRUARY 17, 1871, 10 O'CLOCK.

The Senate met.

The Journal of yesterday was read and approved.

Mr. Johnson asked and obtained leave of absence for Mr. Alsop until Tuesday next.

Mr. Hamilton asked and obtained leave of absence indefinitely.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the following House concurrent resolution, entitled "A resolution in regard to the publication of Senate Bill No. 4;" and the same is herewith transmitted to the Senate, which reads as follows, to wit:

WHEREAS, Senate Bill No. 4 provides that the same shall be in force from and after its passage; therefore,

Resolved by the House, (the Senate concurring,) That for the benefit and information of the several officers of this State, whose fees are defined therein, the Secretary of State is authorized and directed to have five thousand copies of said bill printed in pamphlet form and distributed to the several counties of this State upon its approval by the Governor.

Mr. Bradley moved to suspend the order of business, and take up Senate Bill No. 48.

Which was agreed to.

Mr. Dwiggins offered the following amendment:

SEC. 13. *Be it further enacted, That all corporations heretofore*

or hereafter organized under the provisions of this act, and the act to which this is supplemental, shall, by its board of directors, cause all work to be done by contract. Such contract or contracts shall be let by said board of directors to the lowest responsible bidder after advertising to receive proposals therefor by one week's publication in a newspaper of general circulation in each county into which such work shall pass. *Provided*, the provisions of this section shall not affect companies whose proposed work is less than twenty miles in length.

Which was agreed to.

Engrossed Senate Bill No. 48. A bill supplemental to an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect May 22, 1869.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Andrews,	Dwiggins,	Keigwin,
Armstrong,	Elliott,	Lasselle,
Beardsley,	Fosdick,	Martindale,
Beeson,	Francisco,	Miller,
Beggs,	Fuller,	Morgan,
Bobo,	Glessner,	Robinson,
Bradley,	Gray,	Rosebrough,
Brown,	Green,	Scott,
Bird,	Gregg,	Steele,
Carnahan,	Hadley,	Straud,
Cave,	Henderson,	Taylor,
Caven,	Hess,	Wadge,
Collett,	Hooper,	Williams,
Denbo,	Hubbard,	Wood—46.
Dittemore,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Dwiggins moved the order of business be suspended, and engrossed House Bill No. 23 be read a second time.

Which was agreed to.

Engrossed House Bill No. 23. A bill to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject," which took effect May 22, 1869.

Which was read a second time, and passed to a third reading on to-morrow.

Mr. Glessner offered the following :

I hereby notify the Senate that I will move to amend the standing rules of the Senate as follows: Amend the fifth line of the 25th rule, as follows: to insert immediately after the word "amendments" in said line, and insert these words, "motions or resolutions."

Resolved, that no Senator shall speak more than ten minutes at a time, on any question, unless by consent of the Senate, from and after the passage of this resolution.

Mr. Williams moved to suspend the order of business to take up engrossed House Bill No. 266.

Messrs. Henderson and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Bradley,	Dwiggins,
Armstrong,	Carnahan,	Elliott,
Beardsley,	Cave,	Fosdick,
Beeson,	Caven,	Fuller,
Bobo,	Collett,	Glessner,

Green,	Lasselle,	Scott,
Gregg,	Martindale,	Steele,
Hadley,	Miller,	Taylor,
Hess,	Morgan,	Wadge,
Hooper,	Robinson,	Williams—31.
Hubbard,		

Those who voted in the negative were, Messrs.

Alsop,	Dittemore,	Johnson,
Beggs,	Dougherty,	Keigwin,
Brown,	Francisco,	Rosebrough,
Bird,	Gray,	Straud—14.
Denbo,	Henderson,	

So the order of business was suspended, and

Engrossed House Bill No. 266, a bill to amend the 6th section of an act to provide for the custody and management of the notes, bonds, and mortgages arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners, to continue in force all laws or parts of laws in force on the 20th day of January, 1867, which are applicable to said laws, and the securities therefor, to clothe the Auditor of State with powers, and subject him to the duties in relation to said loans, and securities therefor, which by said laws, are vested in, or imposed upon said Board of Sinking Fund Commissioners, to provide for the incidental expenses of the management of said loans, and securities, including clerk hire, and for the mode and payment of such allowance for expenses, substituting the seal of the Auditor of State, for that of the Board of Sinking Fund Commissioners, and declaring an emergency for the immediate taking effect of this act, and providing for the Auditor of State to execute bond and payment of all moneys into the State Treasury.

Was read a first time.

Mr. Williams moved to suspend the constitutional rule, requiring bills to be read on three several days, that the bill may be read a second time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Collett,	Martindale,
Andrews,	Dwiggins,	Miller,
Beardsley,	Fosdick,	Morgan,
Beeson,	Glessner,	Robinson,
Beggs,	Green,	Scott,
Bobo,	Gregg,	Steele,
Bird,	Hadley,	Taylor,
Carnahan,	Hess,	Wadge,
Cave,	Hooper,	Williams,
Caven,	Lasselle,	Wood—30.

Those who voted in the negative were, Messrs.

Armstrong,	Francisco,	Johnson,
Brown,	Gray,	Keigwin,
Dittimore,	Henderson,	Rosebrough,
Dougherty,	Hubbard,	Straud—12

So the constitutional rule was not suspended.

Mr. Williams, from a special committee, made the following report :

MR. PRESIDENT :

The special committee to whom was assigned the duty of selecting such testimony as should be read to the Senate in the protest of Kline and others against the right of John W. Burson to hold a seat in the Senate, from the counties of Delaware and Madison, report that they are unable to come to any agreement, and the undersigned members of said committee believing that a full and fair abstract of the evidence is contained in the majority and minority reports of the committee taking the testimony ; therefore the undersigned would most respectfully recommend that the Senate do now proceed to act upon the case as reported by the majority of the special committee on elections to whom the Burson case was referred.

(Signed)

J. D. WILLIAMS,
E. HENDERSON,
JAMES BRADLEY.

Mr. Scott, from a select committee, made the following report :

MR. PRESIDENT :

The undersigned members of the committee appointed to select the evidence to be read in the Senate in the hearing of the allegations of the memorialists Kline and others, against John W. Burson, have had that matter under advisement and have been unable to agree with other members of said committee on the subject so referred ; they therefore recommend that all the evidence taken by the committee be read on said hearing.

H. D. SCOTT,
A. ANDREWS,
JOHN GREEN.

Mr. Henderson moved to lay the report submitted by Mr. Scott upon the table.

Messrs. Martindale and Beardsley demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Cave,	Henderson,
Armstrong,	Denbo,	Johnson,
Beggs,	Dittemore,	Keigwin,
Bobo,	Dougherty,	Lasselle,
Bradley,	Francisco,	Morgan,
Brown,	Fuller,	Rosebrough,
Bird,	Glessner,	Straud,
Carnahan,	Gregg,	Williams—24.

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—21.

So the motion to lay on the table prevailed.

Mr. Henderson moved to concur in the report submitted by Mr. Williams.

Messrs. Wood and Martindale demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Cave,	Henderson,
Armstrong,	Denbo,	Johnson,
Beggs,	Dittemore,	Keigwin,
Bobo,	Dougherty,	Lasselle,
Bradley,	Francisco,	Morgan,
Brown,	Fuller,	Rosebrough,
Bird,	Glessner,	Straud,
Carnahan,	Gregg,	Williams—24.

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—21.

So the report was concurred in.

Mr. Beeson moved that the Senate now adjourn.

One-tenth of the members demanding the ayes and noes.

The Secretary proceeded to call the roll.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Robinson,
Beardsley,	Green,	Scott,
Beeson,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wadge,
Dwiggins,	Martindale,	Wood—20.
Fosdick,	Miller,	

Those who voted in the negative were, Messrs.

Armstrong,	Denbo,	Henderson,
Beggs,	Dittemore,	Johnson,
Bobo,	Elliott,	Keigwin,
Bradley,	Francisco,	Lasselle,
Brown,	Fuller,	Rosebrough,
Bird,	Glessner,	Straud,
Carnahan,	Gregg,	Williams—22.
Cave,		

So the motion to adjourn did not prevail.

Mr. Martindale moved that the Senate do now adjourn.

One-tenth of the members demanded the ayes and noes.

The Secretary proceeded to call the roll.

Pending the call, and before the vote had been announced, Mr. Hooper moved that Mr. Fosdick be excused from voting on the call just made.

Mr. Martindale objecting.

Messrs. Hooper and Fosdick demanded the ayes and noes.

Pending the call, and before the vote was announced,

Mr. Fosdick asked to be excused from voting.

Mr. Hooper asked to be excused from voting.

Mr. Martindale objected.

Mr. Dwiggins asked leave of absence for all the Senators until 2 o'clock P. M.

The question being upon Mr. Dwiggins' motion.

Mr. Henderson demanded the previous question.

The question being, upon seconding the demand.

Messrs. Dwiggins and Fosdick demanded the ayes and noes.

Before the vote had been announced, and pending the roll call, Mr. Dwiggins asked to be excused from voting.

Also, Mr. Taylor asked to be excused from voting.

Also, Mr. Gray asked to be excused from voting.

Also, Mr. Hooper asked to be excused from voting.

Mr. Martindale moved that the Senate do now adjourn.

One-tenth of the Senators demanding the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Robinson,
Beardsley,	Green,	Scott,
Beeson,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wadge,
Dwiggins,	Martindale,	Wood—20.
Fosdick,	Miller,	

Those who voted in the negative were, Messrs.

Armstrong,	Denbo,	Johnson,
Beggs,	Dittemore,	Keigwin,
Bobo,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Bird,	Gregg,	Straud,
Carnahan,	Henderson,	Williams—22.
Cave,		

So the motion did not prevail.

Mr. Gray demanded a call of the Senate.

The ayes and noes were demanded by Messrs. Gray and Hooper.

Pending the roll call, and before the vote was announced,

Messrs. Dwiggins, Wadge and Steele asked to be excused from voting.

Objections being made,

Messrs. Scott and Caven demanded the ayes and noes.

The roll being called through, and before the vote was announced, Mr. Fosdick asked to be excused from voting.

The question being upon excusing Mr. Fosdick, and pending which Mr. Williams raised a point of order, that no Senator had a right to explain his vote upon the motion to excuse a Senator from voting.

The President of the Senate decided the point as not well taken.

And from the decision of the Chair Mr. Williams appealed as follows :

The President of the Senate having decided that a Senator has the right to explain his vote when his name is called, from that we most respectfully appeal.

(Signed)

J. D. WILLIAMS,
JAMES BRADLEY.

The question being, shall the decision of the Chair stand as the judgment of the Senate?

Pending the consideration of which, and Mr. Gray having the floor yielded for a motion to adjourn, with the privilege of resuming again.

Mr. Steele moved that the Senate adjourn.

One-tenth of the Senate demanding the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Martindale,	Wood—19.
Fosdick,		

Those who voted in the negative were, Messrs.

Armstrong,	Denbo,	Johnson,
Beggs,	Dittemore,	Keigwin,
Bradley,	Dougherty,	Lasselle,
Brown,	Francisco,	Morgan,
Bird,	Fuller,	Rosebrough,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—22.

So the motion to adjourn did not prevail.

The question recurring on the appeal of Mr. Williams.

The question being, shall the decision of the Chair stand as the judgment of the Senate?

Mr. Dittemore asked and obtained leave of absence for Mr. Dougherty, until Tuesday next.

Mr. Martindale having the floor upon the appeal from the decision of the Chair, by Mr. Williams, yielded with a reserved right to resume, and

Mr. Rosebrough moved that the Senate take a recess for twenty minutes.

Messrs. Glessner and Johnson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Hess,	Rosebrough,
Armstrong,	Hooper,	Scott,
Beardsley,	Hubbard,	Steele,
Caven,	Lasselle,	Taylor,
Dwiggins,	Miller,	Wadge—16.
Hadley,		

Those who voted in the negative were, Messrs.

Beggs,	Brown,	Dittemore,
Bobo,	Cave,	Dougherty,
Bradley,	Denbo,	Elliott,

Fosdick,	Gregg,	Morgan,
Francisco,	Henderson,	Robinson,
Fuller,	Johnson,	Straud,
Glessner,	Keigwin,	Williams,
Gray,	Martindale,	Wood—24.

So the motion was not agreed to.

Mr. Brown moved that the appeal taken by Mr. Williams lie upon the table.

Mr. Williams asked leave to withdraw his appeal.

Objections being made,

Messrs. Brown and Henderson demanded the ayes and noes on the motion to lay the appeal upon the table.

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Hubbard,
Armstrong,	Dwiggins,	Johnson,
Beardsley,	Elliott,	Keigwin,
Beggs,	Fosdick,	Martindale,
Bobo,	Francisco,	Robinson,
Brown,	Fuller,	Rosebrough,
Bird,	Glessner,	Scott,
Carnahan,	Green,	Steele,
Cave,	Gregg,	Straud,
Caven,	Hadley,	Taylor,
Collett,	Henderson,	Wadge,
Denbo,	Hess,	Wood—38.
Dittemore,	Hooper,	

Those who voted in the negative were, Messrs.

Bradley,	Morgan,	Williams—4.
Gray,		

So the appeal was laid upon the table.

The question being upon the motion to excuse Mr. Steele from

voting upon seconding the demand for the previous question upon the adoption of the majority report.

Upon a question of order being raised by Mr. Brown,

Messrs. Brown and Fuller appealed from the decision of the Chair to the judgment of the Senate as follows :

Mr. Brown submitted the following appeal :

The President of the Senate having decided that after the commencement of the roll call, for the vote upon a demand for the previous question upon the adoption of the reports in the Burson case, other motions can be made and determined pending said roll call, the undersigned appeal from the decision of the President of the Senate to the judgment of the Senate.

JASON B. BROWN,
B. S. FULLER.

The question being, shall the decision of the Chair stand as the judgment of the Senate?

Mr. Brown demanded the previous question.

The question being, upon seconding the demand for the previous question.

Messrs. Brown and Martindale demanded the ayes and noes.

Pending the call of the roll, Messrs. Gray, Hooper, Dwiggins and Fosdick asked to be excused from voting, upon seconding the demand for the previous question.

Messrs. Francisco, Andrews, Wood, Beggs, Lasselle, Gray, Collett, and Armstrong were granted leave of absence until Tuesday morning.

By unanimous consent,

Mr. Armstrong offered the following :

Be it resolved, That the further consideration of the Burson contest be postponed until next Tuesday at 10 o'clock, at which time two hours on each side may be devoted to the discussion of the case, giving each party equal time, with fifteen minutes additional to the

prosecution to close, after which a direct vote shall be taken on the main question. The prosecution opening with one hour, the defense speaking two hours, and the prosecution having one hour and fifteen minutes to close.

Which was adopted by unanimous consent.

By unanimous consent,

Mr. Brown offered the following:

Resolved, That when the Senate adjourn it adjourn to meet Monday next at 2 o'clock P. M.

Which was adopted.

Mr. Scott moved that two hundred copies of the testimony in the Burson case be printed, together with the argument of counsel before the committee.

Mr. Rosebrough moved to amend so as to make it five hundred copies.

Mr. Brown moved to amend the amendment, and make it fifteen hundred copies.

The amendment to the amendment was not agreed to.

The question recurring upon the amendment offered by Mr. Rosebrough.

It was not agreed to.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled Senate Act No. 4, entitled "An act regulating the fees, salaries, and duties of certain officers therein named," etc., and the same is herewith returned to the Senate.

Mr. Caven, from the committee on phraseology and arrangement of bills and enrolled bills, made the following report:

MR. PRESIDENT:

The committee on phraseology and arrangement of bills and

enrolled bills, respectfully report that they have examined enrolled Senate Act No. 4, entitled "An act regulating fees, salaries and duties of certain officers therein named, and prescribing penalties for the violations of its provisions," and find the same to be correctly enrolled.

Mr. Caven, from the committee on phraseology and arrangement of bills and enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on phraseology and arrangement of bills and enrolled bills, to whom was referred joint resolution No. 9, entitled "A joint resolution directing the disposition to be made of certain Indiana five per cent. bonds or stocks now in the custody of the Secretary of the Treasury of the United States," would report that they have had the same under examination, and find it to be correctly enrolled.

Which report was concurred in.

After remaining in session about twenty-seven hours,

On motion by Mr. Fuller,

The Senate adjourned at 1 o'clock P. M. on Saturday.

MONDAY AFTERNOON.

FEBRUARY 20, 1871, 2 O'CLOCK.

The Senate met.

Prayer by Rev. J. C. Smith, of Meridian Street M. E. Church.

Mr. Taylor asked and obtained leave of absence for Mr. Steele, for the afternoon.

Mr. Henderson asked and obtained leave of absence for Mr. Brown, until Tuesday morning.

Mr. Wadge asked and obtained leave of absence until to-morrow, for Mr. Hubbard.

The Journal of Friday was read and approved.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate that the House has passed engrossed House Bill No. 343, entitled "An act to raise revenue for State purposes for the years 1871 and 1872, and subsequent years, and declaring an emergency," and the same is herewith transmitted to the Senate.

Also, engrossed Senate Bill No. 152, entitled a bill to extend the time for the completion of railroads in cases in which the time has been heretofore extended, and the roads are not yet completed.

Also, engrossed House Bill No. 345, entitled "An act fixing the time of holding courts in the several counties comprising the First Judicial Circuit of this State, repealing all laws conflicting therewith, and declaring an emergency."

Also, engrossed House Bill No. 202, entitled "An act to amend the charter of the town of Bluffton."

Also, engrossed Senate Bill No. 32, entitled "An act to fix the time of holding courts in the Twenty-Eighth Judicial Circuit," with the following engrossed amendments:

Amend first by striking out all that relates to the courts in Brown county, and insert the following: The courts in Brown county shall commence on the second Mondays of May and November, and hold two weeks at each term if the business thereof requires it. Second. Amend further by striking out all that relates to the courts in Shelby county, and insert the following: The courts in Shelby county shall commence on the first Mondays in April and October in each year, and sit six weeks at each term if the business thereof requires it.

Also, Senate Engrossed Bill No. 163, entitled "An act to authorize the consolidation of Hydraulic Companies, and to define the powers of such consolidated companies."

Engrossed House Bill No. 342, entitled "An act to repeal all laws now in force authorizing the levy and collection of any tax for State debt sinking fund purposes," and the same is herewith transmitted to the Senate.

Mr. Bradley moved to suspend the order of business to take up engrossed House Bill No. 271.

Messrs. Gray and Bradley demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Henderson,
Beardsley,	Fosdick,	Johnson,
Bradley,	Francisco,	Keigwin,
Bird,	Fuller,	Martindale,
Carnahan,	Glessner,	Robinson,
Cave,	Green,	Rosebrough,
Caven,	Gregg,	Straud,
Dittemore,	Hadley,	Williams—25.
Dougherty,		

Those who voted in the negative were, Messrs.

Denbo,	Gray,	Hess,
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Hooper,	Scott,	Wadge—8.
Miller,	Taylor	

No quorum voting.

Mr. Hooper moved the Senate adjourn.

Messrs. Glessner and Francisco demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Beardsley,	Hooper,	Taylor,
Dwiggins,	Miller,	Wadge—8.
Gray,	Scott,	

Those who voted in the negative were, Messrs.

Andrews,	Dougherty,	Hess,
Bobo,	Elliott,	Johnson,
Bradley,	Fosdick,	Keigwin,
Bird,	Francisco,	Martindale,
Carnahan,	Fuller,	Robinson,
Cave,	Glessner,	Rosebrough,
Caven,	Green,	Straud,
Denbo,	Hadley,	Williams—27.
Dittemore,	Henderson,	

So the motion to adjourn did not prevail.

A quorum appearing, the question recurring upon the motion to suspend the order of business that engrossed House Bill No. 271, might be taken up.

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Hadley,
Beardsley,	Dwiggins,	Henderson,
Bobo,	Elliott,	Johnson,
Bradley,	Fosdick,	Keigwin,
Bird,	Francisco,	Martindale,
Carnahan,	Fuller,	Robinson,
Cave,	Glessner,	Rosebrough,
Caven,	Green,	Straud,
Dittemore,	Gregg,	Williams—27.

Those who voted in the negative were, Messrs.

Denbo,	Hooper,	Taylor,
Gray,	Miller,	Wadge—8.
Hess,	Scott,	

So the order of business was suspended, and

Engrossed House Bill No. 271. A bill providing for the protection of fish, and repealing all laws in conflict with the same.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Glessner moved to suspend the order of business, that the amendments to Senate Bill No. 32 be taken up as reported from the House.

Messrs. Hooper and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Henderson,
Bobo,	Elliott,	Hess,
Bradley,	Fosdick,	Keigwin,
Bird,	Francisco,	Martindale,
Carnahan,	Fuller,	Robinson,
Cave,	Glessner,	Rosebrough,
Caven,	Green,	Scott,
Denbo,	Gregg,	Straud,
Dittemore,	Hadley,	Williams—28.
Dougherty,		

Those who voted in the negative were, Messrs.

Beardsley,	Johnson,	Taylor,
Hooper,	Martindale,	Williams—6.

So the order of business was suspended, and the amendments concurred in by the Senate.

Message from the Governor, by John M. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 18, 1871.

MR. PRESIDENT:

I am directed by the Governor to respectfully inform the Senate that he has caused Joint Resolution No. 9, being "A joint resolution directing the disposition to be made of certain Indiana five per cent. bonds or stocks, now in the custody of the Secretary of the Treasury of the United States," to be deposited in the office of the Secretary of State, and a properly authenticated copy thereof to be transmitted through Hon. D. D. Pratt, United States Senator, to the Secretary of the Treasury, at Washington City.

Also, enrolled Act No. 105, entitled "An act to abolish the Twenty-Ninth Judicial Circuit, (Jefferson Criminal Circuit Court,) and transfer its business to the Circuit Court; to provide for the jurisdiction of the Circuit and Common Pleas Courts of Jefferson County, in cases of felony and misdemeanor, and matters connected therewith," which was presented to him on the 13th day of February, 1871, and not having been returned to the Senate within three days next after such presentation (Sundays excepted), the said act became a law without executive approval; and that he has caused the said act to be deposited in the office of the Secretary of State.

Mr. Dwiggins moved to suspend the order of business, and take up engrossed House Bill No. 137.

Messrs. Hooper and Williams demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Hess,
Bobo,	Elliott,	Keigwin,
Bradley,	Fosdick,	Martindale,
Bird,	Francisco,	Miller,
Carnahan,	Fuller,	Robinson,
Cave,	Glessner,	Rosebrough,
Caven,	Green,	Scott,
Denbo,	Gregg,	Straud,
Dittemore,	Hadley,	Wadge,
Dougherty,	Henderson,	Williams—30.

Those who voted in the negative were, Messrs.

Beardsley,
Hooper,

Johnson,

Taylor—4.

So the order of business was suspended, and

Engrossed House Bill No. 137. A bill to fix the time of holding the Courts of Common Pleas in the Sixteenth Judicial District of this State, and repealing all other laws on the same subject, and providing when this act shall take effect.

Was read a first time, and passed to a second reading on to-morrow.

Mr. Martindale moved to suspend the order of business, and take up engrossed House Bill No. 266.

Which was agreed to.

Engrossed House Bill No. 266. A bill to amend the sixth section of "An act to provide for the management of the notes, bonds and mortgages, arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners, to continue in force all laws, or parts of laws, in force on the 20th day of January, 1867, which are applicable to said loans and the securities therefor; to clothe the Auditor of State with powers and subject him to the duties in relation to said loans and securities therefor, which by said loans are vested in or imposed upon said Board of Sinking Fund Commissioners; to provide for the incidental expenses of the management of said loans and securities, including clerk hire, and for the mode and payment of such allowance for expenses, substituting the seal of the Auditor of State for that of the Board of Sinking Fund Commissioners, and declaring an emergency for the immediate taking effect of this act; and providing for the Auditor of State to execute bond and payment for all moneys into the State Treasury."

Was read a second time.

Mr. Hooper offered the following amendment:

Strike out "8 per cent." wherever it occurs, and insert "7 per cent."

The question being, on the adoption of the amendment.

Messrs. Williams and Bradley demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Beardsley,	Dittemore,	Hooper,
Bradley,	Dougherty,	Johnson,
Bird,	Elliott,	Rosebrough,
Carnahan,	Francisco,	Straud,
Cave,	Gray,	Taylor—16.
Denbo,		

Those who voted in the negative were, Messrs.

Andrews,	Green,	Martindale,
Bobo,	Gregg,	Miller,
Caven,	Hadley,	Robinson,
Dwiggins,	Henderson,	Scott,
Fosdick,	Hess,	Wadge,
Fuller,	Keigwin,	Williams—19.
Glessner,		

So the amendment was not agreed to.

Mr. Dwiggins moved that the bill be read a third time, and upon that demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered, and the bill ordered to be read a third time on to-morrow.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Robinson presented a petition from the citizens of Decatur county, asking the passage of a law to enable gravel road corporations in all cases where work has been done on such roads based upon assessments, which have proven defective, to perfect such assessments.

Which was,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Mr. Williams moved to suspend the order of business to take up House Bill No. 343.

Which was agreed to.

Mr. Johnson moved that when the Senate adjourn, it be until to-morrow morning at 9 o'clock.

Which was agreed to.

Enrolled House Bill No. 343. A bill to raise revenue for State purposes for the years 1871 and 1872, and for subsequent years, and declaring an emergency.

Was read a first time.

Mr. Williams moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill be read a second and third times now.

The ayes and noes were taken under the constitution,

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Johnson,
Beardsley,	Elliott,	Keigwin,
Bobo,	Francisco,	Martindale,
Bradley,	Fuller,	Robinson,
Bird,	Glessner,	Rosebrough,
Carnahan,	Green,	Scott,
Cave,	Gregg,	Straud,
Caven,	Henderson,	Taylor,
Denbo,	Hess,	Williams—28.
Dittemore,		

Those who voted in the negative were, Messrs.

Dwiggins,	Hadley,	Miller,
Fosdick,	Hooper,	Wadge—7.
Gray,		

So the constitutional rule was not suspended.

Mr. Dwiggins moved to suspend the order of business for the purpose of introducing a bill.

Which was not agreed to.

Mr. Williams moved to suspend the order of business and take up engrossed House Bill No. 342.

Which was agreed to.

And engrossed House Bill No. 342. A bill to repeal all laws now in force authorizing the levy and collection of any tax for State debt sinking fund purposes.

Was read a first time.

Mr. Glessner moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill may be read a second and third times now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Keigwin,
Beardsley,	Elliott,	Martindale,
Bobo,	Francisco,	Miller,
Bradley,	Fuller,	Robinson,
Bird,	Glessner,	Rosebrough,
Carnahan,	Green,	Scott,
Cave,	Gregg,	Straud,
Caven,	Henderson,	Taylor,
Denbo,	Hess,	Williams—29.
Dittemore,	Johnson,	

Those who voted in the negative were, Messrs.

Dwiggins,	Hadley,	Wadge—5.
Gray,	Hooper,	

So the constitutional rule was not suspended.

Mr. Green moved to suspend the order of business and take up Senate Bill No. 180.

Which was agreed to.

Senate Bill No. 180. A bill declaring public squares so marked on the plats of towns not specifically donated to any purpose to be a ground for common school purposes, and authorizing school trustees,

or the township trustee of such township to take possession of, and erect school buildings thereon.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Fuller,	Keigwin,
Beardsley,	Glessner,	Martindale,
Cave,	Gray,	Miller,
Caven,	Green,	Robinson,
Denbo,	Gregg,	Rosebrough,
Dwiggins,	Hadley,	Scott,
Elliott,	Henderson,	Straud,
Fosdick,	Hess,	Taylor,
Francisco,	Hooper,	Williams—27.

Those who voted in the negative were, Messrs,

Bobo,	Carnahan,	Johnson,
Bradley,	Dougherty,	Wadge—7.
Bird,		

So the bill passed.

The question being, shall the title read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Dwiggins moved the Senate do now adjourn.

Which was not agreed to.

Mr. Martindale moved to suspend the constitutional rule requiring bills to be read on three several days, that House Bill No. 271, may be read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Fosdick,	Keigwin,
Beardsley,	Francisco,	Martindale,
Bradley,	Fuller,	Miller,
Bird,	Glessner,	Robinson,
Cave,	Green,	Rosebrough,
Caven,	Gregg,	Scott,
Denbo,	Hadley,	Straud,
Dittemore,	Henderson,	Taylor,
Dougherty,	Hess,	Wadge,
Dwiggins,	Johnson,	Williams—31.
Elliott,		

Those who voted in the negative were, Messrs.

Bobo,	Gray,	• Hooper—4.
Carnahan,		

So the constitutional rule was not suspended.

Mr. Henderson moved to suspend the order of business, and take up engrossed House Bill No. 265.

Which was agreed to, and

Engrossed House Bill No. 265. A bill to amend an act entitled "An act prescribing the duties of, and fixing the compensation of State Agent," approved June 17, 1852.

Which was read a third time with engrossed amendments by the Senate.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Denbo,	Fuller,
Beardsley,	Dittemore,	Glessner,
Bobo,	Dougherty,	Gray,
Bird,	Dwiggins,	Green,
Carnahan,	Elliott,	Gregg,
Cave,	Fosdick,	Hadley,
Caven,	Francisco,	Henderson,

Hess,	Martindale,	Straud,
Hooper,	Miller,	Taylor,
Johnson,	Robinson,	Wadge,
Keigwin,	Rosebrough,	Williams—34.

Those who voted in the negative were, Messrs.

Bradley,

Scott—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Gregg moved to suspend the order of business and take up engrossed House bill No. 167.

Which was agreed to, and

Engrossed House Bill No. 167. A bill to amend sections 1 and 2 of an act creating the Twenty-Sixth Judicial Circuit, and fixing the times of holding courts therein, and fixing the times of holding courts in the Fourth Judicial Circuit, approved April 22d, 1869.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Keigwin moved that engrossed House Bill No. 19, be taken from the table and placed upon the files.

It was agreed to.

Mr. Rosebrough moved to suspend the order of business, and take up engrossed House Bill No. 345.

Which was agreed to, and

Engrossed House Bill No. 345. A bill fixing the time of holding courts in the several counties composing the First Judicial Circuit of this State, and repealing all laws conflicting therewith, and declaring an emergency.

Which was read a first time.

Mr. Rosebrough moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill may be read a second time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Johnson,
Bobo,	Fosdick,	Keigwin,
Bradley,	Francisco,	Martindale,
Bird,	Fuller,	Miller,
Carnahan,	Glessner,	Robinson,
Cave,	Gray,	Rosebrough,
Caven,	Green,	Scott,
Collett,	Gregg,	Straud,
Denbo,	Hadley,	Taylor,
Dittemore,	Henderson,	Wadge,
Dougherty,	Hess,	Williams—34.
Dwiggins,		

No Senator voting in the negative.

So the rule was suspended, and the bill read a second time.

Mr. Rosebrough moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill may be read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Andrews,	Dittemore,	Green,
Bobo,	Dougherty,	Gregg,
Bradley,	Dwiggins,	Hadley,
Bird,	Elliott,	Henderson,
Carnahan,	Fosdick,	Hess,
Cave,	Francisco,	Johnson,
Caven,	Fuller,	Keigwin,
Collett,	Glessner,	Martindale,
Denbo,	Gray,	Miller,

Robinson,	Straud,	Wadge,
Rosebrough,	Taylor,	Williams—34.
Scott,		

No Senator voting in the negative.

So the rule was suspended and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Johnson,
Beardsley,	Fosdick,	Keigwin,
Bobo,	Francisco,	Martindale,
Bradley,	Fuller,	Miller,
Bird,	Glessner,	Robinson,
Carnahan,	Gray,	Rosebrough,
Cave,	Green,	Scott,
Caven,	Gregg,	Straud,
Denbo,	Hadley,	Taylor,
Dittemore,	Henderson,	Wadge
Dougherty,	Hess,	Williams—34.
Dwiggins,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate that the House has concurred in the amendment of the Senate to House Bill No. 79.

Mr. Miller moved to suspend the order of business, that engrossed House Bill No. 185 may be taken up.

It was agreed to.

Engrossed House Bill No. 185. A bill for the relief of George L. Reiter and Maria B. Reiter.

Was read a first time.

Mr. Miller moved to suspend the constitutional rule requiring bills to be read on three several days, that engrossed House Bill No. 185 be read a second time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Dwiggins,	Johnson,
Armstrong,	Elliott,	Keigwin,
Beardsley,	Fosdick,	Martindale,
Bobo,	Francisco,	Miller,
Bradley,	Fuller,	Robinson,
Bird,	Glessner,	Rosebrough,
Carnahan,	Gray,	Scott,
Cave,	Green,	Strand,
Caven,	Gregg,	Taylor,
Denbo,	Hadley,	Wadge,
Dittemore,	Henderson,	Williams—35.
Dougherty,	Hess,	

No Senator voting in the negative.

So the constitutional rule was suspended, and engrossed House Bill No. 185 was read a second time.

Mr. Miller moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill may be read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Andrews,	Armstrong,	Beardsley,
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Bobo,	Fosdick,	Keigwin,
Bradley,	Francisco,	Martindale,
Bird,	Fuller,	Miller,
Carnahan,	Glessner,	Robinson,
Cave,	Gray,	Rosebrough,
Caven,	Green,	Scott,
Denbo,	Gregg,	Straud,
Dittamore,	Hadley,	Taylor,
Dougherty,	Henderson,	Wadge,
Dwiggins,	Hess,	Williams—35.
Elliott,	Johnson,	

No Senator voting in the negative.

So the constitutional rule was suspended, and

Engrossed House Bill No. 185. A bill for the relief of George L. Reiter and Maria B. Reiter.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Elliott,	Johnson,
Armstrong,	Fosdick,	Keigwin,
Beardsley,	Francisco,	Martindale,
Bobo,	Fuller,	Miller,
Bradley,	Glessner,	Robinson,
Bird,	Gray,	Rosebrough,
Carnahan,	Green,	Scott,
Cave,	Gregg,	Straud,
Caven,	Hadley,	Taylor,
Denbo,	Henderson,	Wadge,
Dougherty,	Hess,	Williams—34.
Dwiggins,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Taylor moved to suspend the order of business that engrossed Senate Bill No. 174 may be taken up.

It was agreed to.

Engrossed Senate Bill No. 174. A bill for an act to amend an act entitled "An act to authorize aid in the construction of railroads by counties and townships taking stock in, and making donations to railroad companies," approved May 12th, 1869.

Which was read a third time.

Mr. Johnson moved to re-commit to a select committee of three, with the following instructions :

Amend by inserting the following :

SECTION 2. *Provided however*, that this act shall not be construed to apply to, or take effect in counties or townships making donations, but shall only apply in counties or townships taking stock in railroad companies.

On motion by Mr. Martindale,
The Senate adjourned.

TUESDAY MORNING.

FEBRUARY 21, 1871, 9 O'CLOCK.

The Senate met.

The Journal of yesterday was read and approved.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate that he has signed enrolled act of the House No. 266, and the same is herewith transmitted to the Senate for the signature of the President thereof.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate that he has signed enrolled Act No. 79 of the House, entitled "An act to extend the time for the completion of certain railroads, and to legalize the acts of their boards of directors," and the same is herewith transmitted to the Senate for the signature of the President thereof.

I am also directed by the House, to inform the Senate that the House has passed House Joint Resolution No. 17, entitled "A joint resolution in relation to the transfer of the Soldiers' National Cemetery at Gettysburgh, Pennsylvania, to the General Government," and the same is herewith transmitted for the action of the Senate.

Mr. Scott moved to suspend the order of business, for the purpose of presenting to the Senate affidavits in the case of John W. Burson.

Upon which Messrs. Brown and Johnson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Robinson,
Beardsley,	Hadley,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—20.
Gray,	Miller,	

Those who voted in the negative were, Messrs.

Armstrong,	Denbo,	Henderson,
Beggs,	Dittemore,	Johnson,
Bobo,	Dougherty,	Keigwin,
Bradley,	Elliott,	Lasselle,
Brown,	Francisco,	Morgan,
Bird,	Fuller,	Rosebrough,
Carnahan,	Glessner,	Straud,
Cave,	Gregg,	Williams—24.

So the motion did not prevail.

Pending the call of the roll, Messrs. Dwiggins, Hooper, Hubbard, Johnson, Martindale, Scott, Steele, Wood and Lasselle, explained their votes at length.

SPECIAL ORDER.

In accordance with a resolution adopted by the unanimous consent of the Senate on last Saturday, in reference to the case of Mr. Burson, the same was taken up, being the majority and minority reports from the special committee on elections.

The question pending at the adjournment on Saturday was on a demand for the previous question made on the adoption of the reports from the special committee on elections, made by the Senator from Morgan, Mr. Henderson, and subsidiary questions pertaining thereto.

By unanimous consent of the Senate, Mr. Henderson withdrew his demand for the previous question, which carried with it all, subsidiary questions.

Mr. Brown taking the floor at 10.25 A. M., having spoken one hour, the length of time allotted to him for opening the discussion, gave way, and

Mr. Hooper moved that the Senate adjourn.

One-tenth of the Senate demanding the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Miller,
Beardsley,	Hadley,	Robinson,
Caven,	Hess,	Scott,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—19.
Gray,		

Those who voted in the negative were, Messrs.

Armstrong,	Denbo,	Johnson,
Beggs,	Dittemore,	Keigwin,
Bobo,	Dougherty,	Lasselle,
Bradley,	Francisco,	Morgan,
Brown,	Fuller,	Rosebrough,
Bird,	Glessner,	Steele,
Carnahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—24.

So the motion to adjourn did not prevail.

The Senate refusing to adjourn, Mr. Steele, on the part of the defense, took the floor at 11 o'clock and 30 minutes, and at 12 o'clock and 11 minutes, gave way, and

On motion by Mr. Brown,

The Senate adjourned.

TUESDAY AFTERNOON, 2 O'CLOCK.

The Senate met.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the speaker of the House, to inform the Senate that he has signed enrolled House Bill No. 185, and the same is herewith transmitted to the Senate for the signature of the President thereof.

Mr. Steele having yielded the floor, for a motion to adjourn, at the morning session, again resumed the further discussion of the question before the Senate at 2 o'clock and 7 minutes.

Mr. Steele having concluded at 27 minutes past 3 o'clock P. M.

Mr. Brown resumed on the part of the prosecution to finish the argument connected therewith.

Mr. Brown having concluded at 4 o'clock and 40 minutes, he then moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, upon the adoption of the minority report from the special committee on elections.

Messrs. Brown and Fuller demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green.	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—21.

Those who voted in the negative were, Messrs.

Armstrong,	Denbo,	Henderson,
Beggs,	Dittemore,	Johnson,
Bobo,	Dougherty,	Keigwin,
Bradley,	Elliott,	Lasselle,
Brown,	Francisco,	Morgan,
Bird,	Fuller,	Rosebrough,
Carnahan,	Glessner,	Straud,
Cave,	Gregg,	Williams—24.

So the report of the minority was not concurred in.

The question recurring upon the majority report of the special committee on elections, and the adoption of the resolution by the same.

Messrs. Brown and Gray demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Armstrong,	Denbo,	Henderson,
Beggs,	Dittemore,	Johnson,
Bobo,	Dougherty,	Keigwin,
Bradley,	Elliott,	Lasselle,
Brown,	Francisco,	Morgan,
Bird,	Fuller,	Rosebrough,
Carnahan,	Glessner,	Straud,
Cave,	Gregg,	Williams—24.

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—21.

So the report was concurred in, and the resolution was adopted.

Mr. Martindale moved that the Senate do now adjourn.

One-tenth of the Senate seconding the demand.

The ayes and noes were taken.

Those who voted in the affirmative were, Messrs.

Andrews,	Green,	Robinson,
Beardsley,	Hadley,	Scott,
Beeson,	Hess,	Steele,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Wadge,
Dwiggins,	Martindale,	Wood—20.
Fosdick,	Miller,	

Those who voted in the negative were, Messrs.

Armstrong,	Denbo,	Henderson,
Beggs,	Dittemore,	Johnson,
Bobo,	Dougherty,	Keigwin,
Bradley,	Elliott,	Lasselle,
Brown,	Francisco,	Morgan,
Bird,	Fuller,	Rosebrough,
Carnahan,	Glessner,	Straud,
Cave,	Gregg,	Williams—24.

So the motion to adjourn did not prevail.

Mr. Henderson moved to reconsider the vote just taken on the adoption of the majority report, then moved to lay that motion on the table.

Messrs. Gray and Fosdick demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Armstrong,	Denbo,	Henderson,
Beggs,	Dittemore,	Johnson,
Bobo,	Dougherty,	Keigwin,
Bradley,	Elliott,	Lasselle,
Brown,	Francisco,	Morgan,
Bird,	Fuller,	Rosebrough,
Carnahan,	Glessner,	Straud,
Cave,	Gregg,	Williams—24.

Those who voted in the negative were, Messrs.

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hess,	Steele,
Collett,	Hooper,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Fosdick,	Martindale,	Wood—21.

So the motion to lay on the table prevailed.

On motion by Mr. Gray,
The Senate adjourned.

WEDNESDAY MORNING.

FEBRUARY 22, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. R. D. Robinson, of the M. E. Church.

The Journal of yesterday was read and approved.

The President laid before the Senate an invitation from the Indiana Temperance Alliance, to attend the anniversary exercises of the birthday of Washington, at the Park M. E. Church, at 7½ P. M.

The President also laid before the Senate, an invitation of the Mathesian, Philokurian and Athenian Society, to attend the address of Mr. William Wallace, on the 22d of February, in the Mathesian Hall, at 7½ P. M.

Mr. Williams moved to suspend the order of business, for the purpose of taking up engrossed House Bill No. 266.

Messrs. Dittamore and Rosebrough demanded the ayes and noes.

The question being, upon the motion to suspend the order of business.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Hooper,
Beeson,	Dwiggins,	Hubbard,
Beggs,	Fuller,	Johnson,
Bradley,	Glessner,	Lasselle,
Bird,	Green,	Martindale,
Carnahan,	Gregg,	Miller,
Case,	Hadley,	Morgan,
Caven,	Henderson,	Robinson,
Collett,	Hess,	Scott,

Steele,
Straud,

Taylor,
Wadge,

Williams,
Wood—33.

Those who voted in the negative were, Messrs.

Armstrong,
Brown,
Dittemore,

Dougherty,
Elliott,

Keigwin,
Rosebrough—7.

So the order of business was suspended, and
Engrossed House Bill No. 266 was taken up.

Mr. Rosebrough moved to recommit the Bill to the committee on the judiciary, with instructions to substitute the following therefor :

Strike out all after the enacting clause, and insert the following :

SECTION 1. That it shall be the duty of the Auditor of State, the Secretary of State and the Treasurer of State, to loan upon real estate securities all moneys belonging to the sinking fund, that may be now in the hands of the Auditor of State, and that may hereafter come into his hands, and in loaning said moneys, the said Auditor, Secretary and Treasurer of State shall be governed by the laws now in force, or which may hereafter be enacted by the General Assembly regulating the loaning of the college fund, so far as the same may be applicable, subject to the following provisions: First. That no greater sum than one thousand dollars shall be loaned to any one person. Second. That the moneys on hand at the time of the passage of this act, shall be appointed among the several counties of this State, and loaned exclusively to the citizens thereof, according to the enumeration of school children last made to the Superintendent of Public Instruction; *Provided*, That approved applications for loans are made within three months from the date of such appointment.

SEC. 2. The said Auditor of State shall pay over to the Treasurer of State, on the first day of May and the first day of October in each year, the whole amount of interest received on loans, prior to these dates respectively, and shall notify the Superintendent of Public Instruction of the amount thereof, who shall include the same in his semi-annual distribution of the school fund.

SEC. 3. That existing laws in regard to the custody, management, and security of the sinking fund, so far as they may not conflict with any provisions of this act, are hereby continued in force.

Mr. Dwiggins moved to lay the motion to recommit and the instructions upon the table.

Upon which Messrs. Dittemore and Fuller demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Fuller,	Miller,
Beecon,	Glessner,	Robinson,
Beggs,	Green,	Scott,
Bradley,	Henderson,	Steele,
Carnahan,	Hess,	Taylor,
Case,	Hooper,	Wadge,
Caven,	Hubbard,	Williams,
Collett,	Keigwin,	Wood—26.
Dwiggins,	Martindale,	

Those who voted in the negative were, Messrs.

Armstrong,	Dittemore,	Johnson,
Beardsley,	Dougherty,	Morgan,
Brown,	Elliott,	Rosebrough,
Bird,	Francisco,	Straud—13.
Denbo,		

So the motion to lie upon the table prevailed.

Engrossed House Bill No. 266. A bill to amend the 6th section of an act to provide for the custody and management of the notes, bonds and mortgages, arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners, to continue in force all laws or parts of laws in force on the 20th day of January, 1867, which are applicable to said loans, and the securities therefor, to clothe the Auditor of State with powers, and subject him to the duties in relation to said loans, and securities therefor, which by said laws are vested in, or imposed upon said Board of Sinking Fund Commissioners, to provide for the incidental expenses of the

management of said loans, and securities, including clerk hire, and for the modes and payment of such allowance for expenses, substituting the seal of the Auditor of State for that of the Board of Sinking Fund Commissioners, and declaring an emergency for the immediate taking effect of this act, and providing for the Auditor of State to execute bond and payment of all moneys into the State Treasury.

Was read a third time.

Mr. Fuller demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Andrews,	Dwiggins,	Keigwin,
Armstrong,	Elliott,	Martindale,
Beardsley,	Francisco,	Miller,
Beeson,	Fuller,	Morgan,
Beggs,	Glessner,	Robinson,
Bobo,	Gray,	Rosebrough,
Bradley,	Green,	Scott,
Brown,	Gregg,	Steele,
Carnahan,	Hadley,	Straud,
Case,	Henderson,	Taylor,
Caven,	Hess,	Wadge,
Collett,	Hooper,	Williams,
Denbo,	Hubbard,	Wood—42.

Mr. Dittmore voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

Mr. Williams moved to amend the title by adding thereto the following :

And adding supplementary sections thereto.

Which was adopted.

And the title as amended was agreed to.

Ordered, That the Secretary inform the House thereof.

Message from the House, by Mr. Holmes, Clerk thereof :

MR. PRESIDENT :

I am directed by the Speaker of the House, to inform the Senate that the House has concurred in the amendments of the Senate to House Bill No. 265, being a bill to fix the compensation, etc., of Agent of State.

Also, that the House has passed engrossed Senate Bill No. 48, being a supplementary act in relation to the construction of levees, dykes and drains, and the same is herewith transmitted to the Senate.

Message from the Governor, by John M. Commons, his Private Secretary :

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 22, 1871.

MR. PRESIDENT :

I am directed by the Governor, to respectfully inform the Senate that he has approved and signed enrolled Act No. 4, entitled "An act regulating the fees, salaries, and duties of certain officers therein named, and prescribing penalties for the violation of its provisions," and that the said act has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

Mr. Denbo moved to suspend the order of business, in order to

take up the message of the Governor, in regard to his expenditures of allowances.

Which was not agreed to.

Mr. Martindale moved that the order of business be suspended, for the purpose of taking up engrossed House Bill No. 271.

Which was agreed to, and

Engrossed House Bill No. 271. A bill providing for the protection of fish, and repealing all laws in conflict with the same.

Was read a second time.

Mr. Martindale moved that the constitutional rule be suspended, and that engrossed House Bill No. 271 be read a third time, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Keigwin,
Andrews,	Dwiggins,	Martindale,
Armstrong,	Francisco,	Miller,
Beardsley,	Fuller,	Morgan,
Becson,	Glessner,	Robinson,
Beggs,	Gray,	Rosebrough,
Bradley,	Green,	Scott,
Brown,	Gregg,	Steele,
Bird,	Hadley,	Strand,
Carnahan,	Henderson,	Taylor,
Case,	Hess,	Wadge,
Caven,	Hooper,	Williams,
Collett,	Hubbard,	Wood—40.
Denbo,		

Those who voted in the negative were, Messrs.

Bobo,	Dittemore,	Johnson—3.
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So the constitutional rule was suspended, and engrossed House Bill No. 271 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Martindale,
Andrews,	Dwiggins,	Miller,
Armstrong,	Francisco,	Morgan,
Beardsley,	Gray,	Robinson,
Beeson,	Green,	Rosebrough,
Beggs,	Gregg,	Scott,
Bradley,	Hadley,	Steele,
Brown,	Henderson,	Taylor,
Bird,	Hess,	Wadge,
Case,	Hooper,	Williams,
Caven,	Hubbard,	Wood—35.
Collett,	Keigwin,	

Those who voted in the negative were, Messrs.

Bobo,	Dougherty,	Johnson,
Carnahan,	Fuller,	Straud—8.
Dittemore,	Glessner,	

So the bill passed.

The question being, shall the title of the bill stand as read?

Mr. Martindale offered the following amendment to the title by adding the following:

And prescribing penalties for the violation of its provisions.

Which was adopted.

Ordered, That the Secretary inform the House thereof.

Mr. Bradley moved that the order of business be suspended, to take up Senate Bill No. 28.

Messrs. Glessner and Henderson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Beeson,	Brown,
Armstrong,	Bobo,	Bird,
Beardsley,	Bradley,	Case,

Caven,	Hadley,	Morgan,
Collett,	Hess,	Robinson,
Dougherty,	Hooper,	Steele,
Dwiggins,	Hubbard,	Taylor,
Fuller,	Martindale,	Wadge,
Gray,	Miller,	Wood—28.
Green,		

Those who voted in the negative were, Messrs.

Alsop,	Franciseo,	Keigwin,
Beggs,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Scott,
Denbo,	Henderson,	Straud,
Dittemore,	Johnson,	Williams—15.

So the order of business was suspended, and

Engrossed Senate Bill No. 28. A bill to amend an act to organize a Supreme Court, and prescribing certain duties of the judges thereof, approved May 13th, 1852, creating an additional judge of said court and declaring a vacancy.

Was read a third time.

Mr. Carnahan moved to recommit the bill with instructions to strike out all after the enacting clause, and insert the following :

That the State of Indiana be divided into five Supreme Court Districts, the First District shall consist of the following counties, to wit :

St. Joseph, Elkhart, Lagrange, Steuben, DeKalb, Noble, Kosciusko, Marshall, Fulton, Whitley, Allen, Adams, Wells, Huntington, Wabash, Miami, Grant, Blackford, Jay, Delaware and Randolph.

The Second District shall consist of the following counties, to wit :

Lake, Porter, Laporte, Starke, Newton, Jasper, Pulaski, White, Cass, Carroll, Benton, Warren, Tippecanoe, Montgomery, Clinton, Fountain, Vermillion and Parke.

The Third District shall consist of the following counties, to wit :

Henry, Wayne, Union, Fayette, Rush, Decatur, Franklin, Dear-

born, Ripley, Jennings, Ohio, Switzerland, Jefferson, Scott, Clark, Floyd, Washington and Jackson.

The Fourth District shall consist of the following counties, to wit:

Howard, Tipton, Madison, Hamilton, Boone, Putnam, Hendricks, Marion, Hancock, Johnson, Shelby, Monroe, Brown and Bartholomew.

The Fifth District shall consist of the following counties, to wit:

Vigo, Clay, Owen, Greene, Sullivan, Knox, Daviess, Martin, Lawrence, Gibson, Pike, Dubois, Posey, Vanderburg, Warrick, Spencer, Perry, Harrison, Crawford and Orange.

It is hereby declared that a vacancy exists in the Fifth District, and that said vacancy shall be filled by the General Assembly of the State of Indiana in joint convention, by the election of a qualified citizen residing in said fifth district, by a *viva voce* vote, and the person so elected shall hold his office until the first day of December, 1872, and until his successor is qualified, and at the biennial election for the year 1872, there shall be elected a Judge of the Supreme Court, residing in said Fifth District, who shall hold his office for the term of six years from the first day of December, 1872, and the office thereafter shall be filled by appointment, or election according to law.

Mr. Dwiggin moved to lay the motion to recommit, and the instructions upon the table.

Messrs. Dittimore and Rosebrough demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Martindale,
Beardsley,	Dwiggin,	Miller,
Beeson,	Green,	Robinson,
Bradley,	Hadley,	Scott,
Bird,	Hess,	Taylor,
Case,	Hooper,	Wadge,
Caven,	Hubbard,	Wood—23.
Collett,	Johnson,	

Those who voted in the negative were, Messrs.

Alsop,	Dittemore,	Keigwin,
Armstrong,	Elliott,	Morgan,
Beggs,	Francisco,	Rosebrough,
Bobo,	Gregg,	Straud,
Carnahan,	Henderson,	Williams—16.
Denbo,		

So the motion to lie upon the table prevailed.

Mr. Dwiggins demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Andrews,	Caven,	Hubbard,
Armstrong,	Collett,	Martindale,
Beardsley,	Dougherty,	Miller,
Beeson,	Dwiggins,	Morgan,
Bobo,	Elliott,	Robinson,
Bradley,	Green,	Steele,
Brown,	Hadley,	Taylor,
Bird,	Hess,	Wadge,
Case,	Hooper,	Wood—27.

Those who voted in the negative were, Messrs.

Alsop,	Glessner,	Keigwin,
Beggs,	Gray,	Rosebrough,
Carnahan,	Gregg,	Scott,
Denbo,	Henderson,	Straud,
Dittemore,	Johnson,	Williams—16.
Francisco,		

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Dittmore asked and obtained indefinite leave of absence for Mr. Cave, on account of sickness.

Mr. Hooper asked and obtained indefinite leave of absence.

Mr. Bradley, from the committee on phraseology, arrangement of bills and enrolled bills, made the following report :

MR. PRESIDENT :

The committee on phraseology, arrangement of bills and enrolled bills, to whom was referred enrolled act of the Senate No. 163, entitled "An act to authorize the consolidation of hydraulic companies, and to define the powers of such consolidated companies, respectfully report that they have examined the same and find it to be correctly enrolled.

Which report was concurred in.

On motion of Mr. Gray,

The order of business was suspended, and engrossed House Bill No. 72 was taken up and read a second time.

Mr. Gray moved that the constitutional rule be suspended, and that engrossed House Bill No. 72 be read a third time now and be put upon its passage.

The ayes and nays were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Bradley,	Dittmore,
Andrews,	Brown,	Dwiggins,
Armstrong,	Bird,	Elliott,
Beardsley,	Case,	Francisco,
Beeson,	Caven,	Glessner,
Beggs,	Collett,	Gray,
Bobo,	Denbo,	Green,

Hadley,	Miller,	Steele,
Henderson,	Morgan,	Straud,
Hess,	Robinson,	Taylor
Hooper,	Rosebrough,	Williams,
Johnson,	Scott,	Wood—37.
Martindale,		

Those who voted in the negative were, Messrs.

Fuller,	Keigwin,	Wadge—4.
Hubbard,		

So the constitutional rule was suspended, and

Engrossed House Bill No. 72. A bill to amend the 16th section of chapter 6, of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11th, 1861, with an emergency clause.

Was read a third time.

Mr. Brown moved to lay the bill upon the table.

Which was agreed to.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate that the House has concurred in Senate amendments to House Bill No. 266, in relation to the management and custody of notes, bonds, etc., of the sinking fund.

Also, I am directed by the Speaker of the House, to inform the Senate, that the House has concurred in the amendments of the Senate to House Bill No. 271, being a bill for the protection of fish, etc.

On motion of Mr. Caven,

The order of business was suspended, and engrossed House Bill No. 234, was taken up and read a first time.

Mr. Caven moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill may be read a second time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Lasselle,
Andrews,	Dwiggins,	Martindale,
Armstrong,	Elliott,	Miller,
Beardsley,	Fosdick,	Morgan,
Beeson,	Francisco,	Robinson,
Beggs,	Fuller,	Rosebrough,
Bobo,	Glessner,	Scott,
Bradley,	Green,	Steele,
Brown,	Gregg,	Straud,
Bird,	Hess,	Taylor,
Carnahan,	Hooper,	Wadge,
Case,	Hubbard,	Williams,
Caven,	Johnson,	Wood—40.
Collett,		

Senator Gray voting in the negative.

So the constitutional rule was suspended, and

Engrossed House Bill No. 234. A bill providing for a general system of common schools in all cities of thirty thousand or more inhabitants, and for the election of a board of school commissioners of such cities, and defining their duties, and prescribing their powers and providing for common school libraries within such cities.

Was read a second time.

Mr. Scott asked and obtained leave of absence for Mr. Fosdick, indefinitely.

On motion by Mr. Green,

The Senate adjourned.

WEDNESDAY AFTERNOON, 2 O'CLOCK.

The Senate met.

Pending the adjournment, engrossed House Bill No. 234, was under consideration.

Mr. Caven moved that the constitutional rule be suspended, and that engrossed House Bill No. 234 be read a third time now, and be put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Lasselle,
Andrews,	Dwiggins,	Martindale,
Armstrong,	Elliott,	Miller,
Beardsley,	Fosdick,	Morgan,
Beeson,	Francisco,	Robinson,
Beggs,	Fuller,	Rosebrough,
Bobo,	Glessner,	Scott,
Bradley,	Green,	Steele,
Brown,	Gregg,	Straud,
Bird,	Hess,	Taylor,
Carnahan,	Hooper,	Wadge,
Case,	Hubbard,	Williams,
Caven,	Johnson,	Wood—40.
Collett,		

Senator Gray voting in the negative.

So the constitutional rule was suspended, and

Engrossed House Bill No. 234. A bill providing for a general system of common schools in all cities of thirty thousand or more inhabitants, and for the election of a board of school commissioners for such cities, and defining their duties, and prescribing their powers, and providing for common school libraries within such cities.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Johnson,
Andrews,	Elliott,	Martindale,
Armstrong,	Francisco,	Miller,
Beardsley,	Fuller,	Morgan,
Beeson,	Gray,	Robinson,
Bobo,	Green,	Rosebrough,
Bradley,	Gregg,	Scott,
Brown,	Hadley,	Straud,
Bird,	Henderson,	Taylor,
Case,	Hess,	Wadge,
Caven,	Hooper,	Williams,
Dittemore,	Hubbard,	Wood—37.
Dougherty,		

Those who voted in the negative were, Messrs.

Carnahan,

Denbo—2.

So the bill passed.

The question being, shall the title read stand as title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Hubbard, from the committee on phraseology, and arrangement of bills and enrolled bills, made the following report:

MR. PRESIDENT:

The committee on phraseology, and arrangement of bills and enrolled bills, to whom was referred Senate Bill No, 32, an act entitled an act to fix the time of holding courts in the Twenty-Eighth Judicial Circuit, would respectfully report that they have compared the same with the original bill as amended by the House, and find that it is correctly enrolled.

Which was concurred in.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate that he has signed enrolled House Bill No. 265, entitled a bill to amend an act entitled "An act prescribing the duties of, and fixing the compensation of State Agent," approved June 17, 1852.

Also, enrolled House Bill No. 271, entitled an act providing for the protection of fish, and the same are herewith transmitted to the Senate for the signature of the President thereof.

Mr. Wadge moved to suspend the order of business, and take up engrossed House Bill No. 23.

Messrs. Wadge and Hubbard demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Dougherty,	Martindale,
Beardsley,	Dwiggins,	Miller,
Beeson,	Fuller,	Robinson,
Bobo,	Glessner,	Rosebrough,
Case,	Green,	Scott,
Caven,	Hadley,	Taylor,
Collett,	Hess,	Wadge,
Denbo,	Hubbard,	Wood—24.

Those who voted in the negative were, Messrs.

Alsop,	Carnahan,	Henderson,
Armstrong,	Dittmore,	Johnson,
Bradley,	Elliott,	Morgan,
Brown,	Francisco,	Straud,
Bird,	Gregg,	Williams—15.

So the order of business was suspended, and engrossed House Bill No. 23 was taken up.

Mr. Brown moved that the bill be indefinitely postponed.

Mr. Bradley demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being upon the motion to indefinitely postpone engrossed House Bill No. 23.

Messrs. Wadge and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Alsop,	Caven,	Hess,
Andrews,	Collett,	Hooper,
Armstrong,	Denbo,	Johnson,
Beardsley,	Dittemore,	Keigwin,
Beeson,	Dougherty,	Lasselle,
Beggs,	Elliott,	Martindale,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Scott,
Brown,	Gray,	Straud,
Bird,	Green,	Williams,
Carnahan,	Gregg,	Wood—34.
Case,		

Those who voted in the negative were, Messrs.

Dwiggins,	Hubbard,	Rosebrough,
Hadley,	Miller,	Wadge—8.
Henderson,	Robinson,	

So the bill was indefinitely postponed.

On motion of Mr. Williams,

The order of business was suspended, and engrossed House Bills Nos. 342 and 343, were taken up, and .

Engrossed House Bill No. 342. A bill to repeal all laws now in force authorizing the levy and collection of any tax for State debt sinking fund purposes.

Was read a second time.

Mr. Williams moved that the constitutional rule be suspended that engrossed House Bill No. 342 may be read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Denbo,	Hubbard,
Andrews,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beardsley,	Dwiggins,	Lasselle,
Beeson,	Elliott,	Martindale,
Beggs,	Francisco,	Miller,
Bobo,	Fuller,	Morgan,
Bradley,	Gray,	Robinson,
Brown,	Green,	Rosebrough,
Bird,	Gregg,	Scott,
Carnahan,	Hadley,	Straud,
Case,	Henderson,	Williams,
Caven,	Hess,	Wood—41.
Collett,	Hooper,	

No Senator voting in the negative.

So the constitutional rule was suspended, and engrossed House Bill No. 342 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Andrews,	Dwiggins,	Keigwin,
Armstrong,	Elliott,	Lasselle,
Beeson,	Francisco,	Martindale,
Beggs,	Fuller,	Miller,
Bobo,	Glessner,	Morgan,
Bradley,	Gray,	Robinson,
Bird,	Green,	Rosebrough,
Carnahan,	Gregg,	Scott,
Case,	Hadley,	Straud,
Caven,	Henderson,	Taylor,
Collett,	Hess,	Wadge,
Denbo,	Hooper,	Williams,
Dittemore,	Hubbard,	Wood—42.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Williams,

The order of business was suspended, and engrossed House Bill No. 343, was taken up and read a second time.

On motion of Mr. Williams,

The Senate resolved itself into a committee of the whole, for the consideration of engrossed House Bill No. 343.

Mr. Green, in the Chair.

The committee arose and through their chairman, Mr. Green, submitted the following report:

MR. PRESIDENT:

The committee of the whole Senate, report that they have had engrossed House Bill No. 343 under consideration, and beg leave to report the same back to the Senate without amendment, and recommend its passage.

Which report was concurred in.

Mr. Williams moved to suspend the constitutional rule, that engrossed House Bill No. 343, may be read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Bradley,	Collett,
Andrews,	Brown,	Denbo,
Armstrong,	Bird,	Dittemore,
Beeson,	Carnahan,	Dougherty,
Beggs,	Case,	Dwiggins,
Bobo,	Caven,	Elliott,

Francisco,	Hess,	Robinson,
Fuller,	Hooper,	Rosebrough,
Glessner,	Hubbard,	Scott,
Gray,	Johnson,	Straud,
Green,	Lasselle,	Taylor,
Gregg,	Martindale,	Wadge,
Hadley,	Miller,	Williams,
Henderson,	Morgan,	Wood—42.

No Senator voting in the negative.

So the constitutional rule was suspended, and,

Engrossed House Bill No. 343. A bill to raise revenue for State purposes for the years 1871 and 1872, and subsequent years.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Johnson,
Andrews,	Dwiggins,	Keigwin,
Armstrong,	Elliott,	Lasselle,
Beardsley,	Francisco,	Martindale,
Beeson,	Fuller,	Miller,
Beggs,	Glessner,	Morgan,
Bobo,	Gray,	Robinson,
Bradley,	Green,	Rosebrough,
Bird,	Gregg,	Scott,
Carnahan,	Hadley,	Straud,
Case,	Henderson,	Taylor,
Caven,	Hess,	Wadge,
Collett,	Hooper,	Williams,
Denbo,	Hubbard,	Wood—43.
Dittemore,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Robinson,

The order of business was suspended, and

Engrossed Senate Bill No. 151. A bill to legalize certain acts of corporations organized, or attempted to be organized, under and by virtue of an act entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852, and acts supplemental thereto.

Was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Lasselle,
Armstrong,	Elliott,	Miller,
Andrews,	Fuller,	Morgan,
Beeson,	Glessner,	Robinson,
Beggs,	Green,	Scott,
Bradley,	Henderson,	Straud,
Carnahan,	Hess,	Taylor,
Case,	Hooper,	Wadge,
Caven,	Johnson,	Wood—28.
Collett,		

Those who voted in the negative were, Messrs.

Bobo,	Gregg,	Martindale,
Bird,	Hubbard,	Rosebrough,
Dougherty,	Keigwin,	Williams—10.
Francisco,		

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Green,

The order of business was suspended, and

Engrossed Senate Bill No. 37. A bill to amend an act entitled "An act distrieting the State for the purpose of electing four judges of the Supreme Court," approved February 19, 1852, and creating the Fifth District.

Was taken up and read a third time.

The question being, shall the bill pass?

Mr. Denbo moved that the bill be indefinitely postponed.

Mr. Dwiggins moved to lay that motion upon the table.

The ayes and noes were demanded by Messrs. Denbo and Beggs.

Those who voted in the affirmative were, Messrs.

Andrews,	Collett,	Hubbard,
Armstrong,	Dougherty,	Martindale,
Beeson,	Dwiggins,	Miller,
Bobo,	Elliott,	Morgan,
Bradley,	Fuller,	Robinson,
Brown,	Green,	Scott,
Bird,	Hadley,	Taylor,
Case,	Hess,	Wadge,
Caven,	Hooper,	Wood—27.

Those who voted in the negative were, Messrs.

Alsop,	Francisco,	Johnson,
Beggs,	Glessner,	Keigwin,
Carnahan,	Gray,	Rosebrough,
Denbo,	Gregg,	Straud,
Dittemore,	Henderson,	Williams—15.

So the motion to lie upon the table prevailed.

Mr. Dwiggins demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

Those who voted in the affirmative were, Messrs.

Andrews,	Collett,	Hubbard,
Armstrong,	Dougherty,	Johnson,
Beeson,	Dwiggins,	Martindale,
Bobo,	Elliott,	Miller,
Bradley,	Fuller,	Robinson,
Brown,	Green,	Scott,
Bird,	Hadley,	Taylor,
Case,	Hess,	Wadge,
Caven,	Hooper,	Wood—27.

Those who voted in the negative were, Messrs.

Alsop,	Francisco,	Keigwin,
Beggs,	Glessner,	Morgan,
Carnahan,	Gray,	Rosebrough,
Denbo,	Gregg,	Straud,
Dittemore,	Henderson,	Williams—15.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Hooper, from the committee on phraseology and arrangement of bills and enrolled bills, made the following report:

MR. PRESIDENT:

The committee on phraseology and arrangement of bills and enrolled bills, have carefully examined enrolled Senate Bill No. 152, "A bill to extend the time for the completion of railroads in cases in which the time has been heretofore extended, and the roads are not yet completed," and find said bill to be correctly enrolled.

Which report was concurred in.

Mr. Taylor, by request, presented the following memorial:

To the Honorable the General Assembly of the State of Indiana:

Your memorialists, the heirs of Henry Hall, deceased, late of the county of Tippecanoe, renew their petition, oft repeated by Major

Hall in his lifetime, for the payment of a just demand against the State, in favor of the firm of Wm. G. Moorehead & Co., of which firm Major Hall was a member and the settling partner.

The claim was ascertained and fully established before the Attorney General of the State, under a joint resolution of the General Assembly, passed at the session of 1855, and the claim thus ascertained and established was laid before the Legislature at the session of 1857, in the report of the Attorney General made to that body, in pursuance of the said joint resolution.

The amount ascertained to be due on the 15th of July, 1844, was \$9,955.20, upon which it is claimed that interest has been accumulating from that date to the present, making the whole sum now due over \$25,000.

The joint resolution above referred to appears in the Acts of the session of 1855, at pages 257 and 258; and the report of the Attorney General, in relation to the claim, may be found in the printed documents of the session of 1857, to which the memorialists respectfully refer your honorable body.

The joint resolution, in its preamble, declares that the claim, if just, ought to be paid, and the State's own attorney, in the discharge of his official duty, reports that it is just. Then ought its payment to be longer deferred? It stands charged upon the official records of the State, is not dependent upon facts that may have been distorted by the lapse of time, and in the form given to it by the State and her officers is a matter of simple calculation. No bond ever issued by the State, however sacred the consideration, could be more binding.

Wherefore, your memorialists pray for an appropriation of a sufficient sum out of the treasury of the State for the payment of the said claim, including interest.

JOHN F. HALL,
THOMAS C. HALL,
HENRY J. W. HALL,
B. J. HALL,
J. M. HALL.

February 4, 1871.

Which, by consent, was laid on the table.

On motion of Mr. Henderson,

The following House Message was taken up, to wit :

WHEREAS, Senate Bill No. 4, provides that the same shall be in force from and after its passage, therefore,

Resolved by the House (the Senate concurring), that for the benefit and information of the several officers of this State, whose fees are defined therein, the Secretary of State is authorized and directed to have 5,000 copies of said bill printed in pamphlet form, and distributed to the several counties of this State, on its approval by the Governor.

And the resolution therein contained was concurred in.

By consent of the Senate, Mr. Elliott offered the following:

Resolved, That the Librarian be directed to release to the members and officers of the Senate, the several receipts for the revised statutes, and that the said members and officers retain said statutes.

Which was adopted.

Mr. Henderson, by unanimous consent of the Senate, offered the following:

Resolved, That provisions be made in the specific appropriation bill for the payment of per diem and mileage of witnesses who have been summoned and appeared before the special committee in the Burson contest.

Which was adopted, and,

On motion,

Referred to the committee on finance.

Mr. Johnston offered the following resolution:

Resolved, That hereafter, after the regular order of business is gone through each morning, or dispensed with by order of the Senate, the Senate shall be called in alphabetical order, and each Senator shall be entitled to call up one bill, and no more, until the call is gone through with.

Which was adopted.

Mr. Bird made the following report:

MR. PRESIDENT:

The select committee of nine, composed of Messrs. Bird, Miller, Lasselle, Armstrong, Taylor, Wood, Collett, Scott and Dougherty,

to whom was referred Senate Bill No. 216, an act to authorize the county commissioners of the several counties of this State, to appropriate money to aid in putting or keeping in repair any canal running in, through, or along, or by any such county, have had the same under consideration, and have directed me to report the same back to the Senate with a unanimous recommendation that the same do pass.

On motion of Mr. Wood,

The order of business was suspended, and Senate Bill No. 188 was taken up and read a second time.

Mr. Wood moved that the constitutional rule be suspended, that Senate Bill No. 188 may be read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Hubbard,
Andrews,	Dougherty,	Johnson,
Armstrong,	Dwiggins,	Keigwin,
Beardsley,	Francisco,	Martindale,
Beeson,	Fuller,	Miller,
Beggs,	Glessner,	Morgan,
Bobo,	Gray,	Robinson,
Brown,	Green,	Rosebrough,
Bird,	Gregg,	Scott,
Carnahan,	Hadley,	Straud,
Case,	Henderson,	Taylor,
Cave,	Hess,	Wadge,
Caven,	Hooper,	Wood—40.
Collett,		

No Senator voting in the negative.

So the constitutional rule was suspended, and,

Engrossed Senate Bill No. 185, a bill declaring the true intent and meaning of "An act to authorize aid to the construction of railroads, by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, and legalizing certain elections held under said act.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Hooper,
Andrews,	Dougherty,	Johnson,
Armstrong,	Dwiggins,	Keigwin,
Beardsley,	Franciseo,	Miller,
Beeson,	Fuller,	Morgan,
Beggs,	Glessner,	Robinson,
Bobo,	Green,	Scott,
Brown,	Hadley,	Straud,
Bird,	Henderson,	Williams,
Carnahan,	Hess,	Wood—31.
Case,		

Those who voted in the negative were, Messrs.

Cave,	Gregg,	Taylor—3.
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So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Bird,

The order of business was suspended, and

Senate Bill No. 216, a bill to authorize the boards of commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal running in, through or along any such county.

Was taken up and read a second time.

Mr. Bird moved that the constitution rule be suspended, that engrossed Senate Bill No. 216 may be read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Collett,	Hubbard,
Andrews,	Dittimore,	Johnson,
Armstrong,	Dougherty,	Miller,
Beardsley,	Dwiggins,	Robinson,
Beeson,	Elliott,	Rosebrough,
Bobo,	Francisco,	Scott,
Bradley,	Fuller,	Steele,
Brown,	Green,	Straud,
Bird,	Gregg,	Taylor,
Carnahan,	Hadley,	Wadge,
Case,	Hess,	Williams,
Cave,	Hooper,	Wood—36.

Those who voted in the negative were, Messrs.

Glessner,	Keigwin,	Morgan—5.
Henderson,	Martindale,	

So the constitutional rule was suspended, and engrossed Senate Bill No. 216, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Collett,	Johnson,
Andrews,	Dittimore,	Keigwin,
Armstrong,	Dougherty,	Miller,
Beardsley,	Dwiggins,	Morgan,
Beeson,	Elliott,	Robinson,
Beggs,	Fuller,	Rosebrough,
Bobo,	Green,	Scott,
Bradley,	Gregg,	Steele,
Brown,	Hadley,	Straud,
Bird,	Hess,	Taylor,
Case,	Hooper,	Wadge,
Cave,	Hubbard,	Williams—37.
Caven,		

Those who voted in the negative were, Messrs.

Carnahan,	Henderson,	Martindale—4.
Glessner,		

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Henderson, by the unanimous consent of the Senate, offered the following:

Resolved, That the finance committee be and is hereby instructed to ascertain the amount of the charges of Charles W. Stagg, the stenographer employed to report the proceedings in the case of John W. Burson, before a special committee of the Senate, and to report an allowance therefor in the specific appropriation bill.

Which was adopted.

Mr. Dittmore, by consent, offered the following:

Resolved, That Wm. R. Harrison, Secretary, and James W. Cole, Assistant Secretary, be each allowed the sum of \$200, for indexing, correcting proof, and preparing abstract for the Senate Journal of the Regular Session of 1871, and including the filing of all bills remaining in the hands of the Senate, in the State library, and that the President of the Senate is hereby authorized to issue his warrant on the Auditor of State for said sum, the same to be paid out of money heretofore appropriated for legislative purposes.

Which resolution was adopted.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate that the House has passed engrossed House Bill No. 327, entitled, "An act limiting the jurisdiction of the Court of Common Pleas, in counties where a Superior Court is organized, and in reference to the selection of a petit jury therein."

Also, engrossed House Bill No. 359, entitled, "An act to amend the ——— section of an act, entitled an act creating the Twenty-fourth Common Pleas District, and making provisions therefor, and repealing all laws conflicting therewith," approved March 11, 1867,

Also, that the Speaker has signed enrolled Senate Bill No 152, "An act to extend the time for the completion of railroads, in cases in which the time has heretofore been extended, and the road not yet completed."

Also, that the Speaker has signed enrolled House Bill No. 343, entitled "An act to raise revenue for State purposes for the years 1871 and 1872, and for subsequent years, and declaring an emergency."

And the same are herewith transmitted to the Senate.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate that he has signed enrolled House Bill No. 342, entitled "An act to repeal all laws now in force authorizing the levy and collection of any tax for State Debt Sinking Fund purposes," and the same is herewith transmitted to the Senate for the signature of the President thereof.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate that he has signed enrolled act No. 32 of the Senate, entitled, "An act to fix the time of holding the Circuit Court in the Twenty-eighth Judicial Circuit, etc."

Also, enrolled act No. 163 of the Senate, entitled, "An act to authorize the consolidation of hydraulic companies, etc," and the same are herewith returned to the Senate.

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate that the Speaker of the House has signed enrolled act No. 345 of the House, and the same is herewith transmitted to the Senate for the signature of the President thereof.

On motion of Mr. Morgan,

The order of business was suspended, and

Senate Bill No. 94 was taken up and read a second time.

Mr. Morgan moved that the constitutional rule be suspended, and that Senate Bill No. 94 be considered engrossed, and be read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Andrews,	Collett,	Hooper,
Armstrong,	Denbo,	Johnson,
Beardsley,	Dougherty,	Keigwin,
Beeson,	Dwiggins,	Martindale,
Beggs,	Elliott,	Miller,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Robinson,
Brown,	Glessner,	Rosebrough,
Bird,	Green,	Scott,
Carnahan,	Gregg,	Steele,
Case,	Hadley,	Straud,
Cave,	Henderson,	Taylor—38.
Caven,	Hess,	

No Senator voting in the negative.

So the constitutional rule was suspended, and

Engrossed Senate Bill No. 94, a bill to prevent public roads from being changed or obstructed in certain cases therein provided.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Brown,	Caven,
Andrews,	Bird,	Denbo,
Beeson,	Carnahan,	Elliott,
Beggs,	Case,	Francisco,
Bradley,	Cave,	Fuller,

Glessner,	Johnson,	Scott,
Green,	Keigwin,	Steele,
Gregg,	Martindale,	Straud,
Henderson,	Miller,	Taylor,
Hess,	Morgan,	Williams—32.
Hooper,	Rosebrough,	

Those who voted in the negative were, Messrs.

Armstrong,	Dwiggins,	Hubbard,
Bobo,	Hadley,	Robinson—7.
Collett,		

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Taylor,

The order of business was suspended, and engrossed House Bill No. 174, a bill entitled an act to amend an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, was taken up.

Mr. Johnston offered the following amendment:

Amend by inserting the following:

SEC. 2. *Provided*, however, that this act shall not be construed to apply to, or take effect in counties or townships making donations, but shall only apply in counties or townships taking stock in railroad companies.

Further amend by changing Section 2 to Section 3.

Which was adopted.

Engrossed Senate Bill No. 174, was then read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Dwiggins,	Keigwin,
Andrews,	Francisco,	Martindale,
Armstrong,	Fuller,	Miller,
Beardsley,	Glessner,	Morgan,
Beeson,	Green,	Robinson,
Beggs,	Gregg,	Rosebrough,
Bradley,	Hadley,	Scott,
Brown,	Henderson,	Steele,
Case,	Hess,	Straud,
Caven,	Hooper,	Taylor,
Collett,	Hubbard,	Williams—35.
Denbo,	Johnson,	

Those who voted in the negative were, Messrs.

Bobo,	Carnahan,	Dougherty—5.
Bird,	Cave,	

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, that the Secretary inform the House thereof.

On motion of Mr. Dittemore,

Mr. Dwiggins was granted indefinite leave of absence.

On motion of Mr. Beeson,

Engrossed House Bill No. 122. A bill to appropriate \$150, for the distribution of the report of the Superintendent of Public Instruction.

Was taken up and read a first time.

Mr. Beeson moved that the constitutional rule be suspended, and that engrossed House Bill No. 122 be read a second time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Martindale,
Andrews,	Francisco,	Miller,
Armstrong,	Fuller,	Morgan,
Beeson,	Glessner,	Rosebrough,
Bobo,	Gray,	Scott,
Bradley,	Green,	Steele,
Brown,	Gregg,	Straud,
Bird,	Hess,	Taylor,
Case,	Hooper,	Wadge,
Cave,	Hubbard,	Williams,
Collett,	Johnson,	Wood—34.
Denbo,		

Those who voted in the negative were, Messrs.

Dittemore,	Henderson,	Keigwin—3.
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So the constitutional rule was suspended, and

Engrossed House Bill No. 122, was read a second time.

Mr. Beeson moved that the constitutional rule be suspended, that engrossed House Bill No. 122 may be read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs.

Alsop,	Dougherty,	Martindale,
Andrews,	Francisco,	Miller,
Armstrong,	Fuller,	Morgan,
Beeson,	Glessner,	Rosebrough,
Bobo,	Gray,	Scott,
Bradley,	Green,	Steele,
Brown,	Gregg,	Straud,
Bird,	Hess,	Taylor,
Case,	Hooper,	Wadge,
Cave,	Hubbard,	Williams,
Collett,	Johnson,	Wood—34.
Denbo,		

Those who voted in the negative were, Messrs,

Dittemore, Henderson, Keigwin—3.

So the constitutional rule was suspended, and
Engrossed House Bill No. 122, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Collett,	Hubbard,
Andrews,	Denbo,	Johnson,
Armstrong,	Dittemore,	Keigwin,
Beardsley,	Dougherty,	Martindale,
Beeson,	Dwiggins,	Miller,
Beggs,	Francisco,	Morgan,
Bobo,	Fuller,	Rosebrough,
Bradley,	Glessner,	Scott,
Brown,	Gray,	Steele,
Bird,	Green,	Straud,
Carnahan,	Gregg,	Taylor,
Case.	Hadley,	Wadge,
Cave,	Hess,	Williams,
Caven,	Hooper,	Wood—42.

No Senator voting in the negative.

So the the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, that the Secretary inform the House thereof.

On motion of Mr. Fuller,

The order of business was suspended, and

Engrossed House Bill No. 6. A bill to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks and banking associations doing business in the State.

Was taken up and read a second time.

Mr. Steele moved to refer the bill to the committee on the judiciary.

Mr. Martindale moved to lay that motion on the table.

Which was not agreed to.

Mr. Henderson moved to amend the motion by referring to a special committee, consisting of Senators Martindale, Gray, Caven, Glessner, and Fuller, and that it may be made the special order for ten o'clock to-morrow.

Mr. Gray demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being first to refer to the committee on the judiciary.

Messrs. Martindale and Gray demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Collett,	Keigwin,
Armstrong,	Dittemore,	Miller,
Beardsley,	Dwiggins,	Robinson,
Beeson,	Elliott,	Scott,
Bradley,	Francisco,	Steele,'
Brown,	Hadley,	Straud,
Bird,	Hess,	Taylor,
Carnahan,	Hooper,	Wadge,
Case.	Hubbard,	Wood—27.

Those who voted in the negative were, Messrs.

Alsop,	Dougherty,	Henderson,
Beggs,	Fuller,	Martindale,
Bobo,	Glessner,	Morgan,
Cave,	Gray,	Rosebrough,
Caven,	Gregg,	Williams—16.
Denbo,		

So the motion prevailed.

Mr. Martindale moved that the committee be required to report the bill back to the Senate at ten o'clock to-morrow, and that the same be made the special order for that hour.

It was agreed to.

Mr. Caven offered the following:

WHEREAS, It has been stated by a Senator on the floor of this Senate, that at the session of the General Assembly of this State, which convened in January, 1869, money or other pecuniary consideration was paid by the National Banks of this State, to some of the members of the Senate judiciary committee of such session, to induce them to report against, and use their influence to prevent the passage of an act presented to such Senate, providing for the taxation of the capital stock of such banks for municipal purposes; therefore,

Resolved, That the President of the Senate appoint a special committee of five, who shall be charged with the duties of investigating the truth of such statement, and with power to send for persons and papers.

Which was adopted.

Mr. Williams offered the following resolution:

Resolved, That the State Printer be authorized to bind in sheep, and send to each member of the Senate and the elective officers thereof, three copies each of the Acts, the Journals of the House and Senate, and Documentary Journals.

Mr. Hadley moved to strike out "three" copies, and insert "two."

Mr. Denbo moved to amend by saying "one copy each."

It was not agreed to.

The question recurring on the amendment by Mr. Hadley.

It was not agreed to.

The question recurring on the adoption of the resolution.

It was agreed to.

On motion by Mr. Dwiggins,

The order of business was suspended, and

Engrossed House Bill No. 137. A bill to fix the time of holding the Court of Common Pleas, in the Sixteenth Judicial District of this State, and repealing all other laws on the same subject, and providing when this act shall take effect.

Was taken up and read a second time.

Mr. Dwiggins moved to suspend the constitutional rule, that the bill may be read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were, Messrs.

Alsop,	Dittemore,	Lasselle,
Andrews,	Dougherty,	Martindale,
Armstrong,	Dwiggins,	Miller,
Beardsley,	Elliott,	Morgan,
Beeson,	Fuller,	Robinson,
Beggs,	Glessner,	Rosebrough,
Bobo,	Green,	Scott,
Bradley,	Gregg,	Steele,
Bird,	Hadley,	Straud,
Carnahan,	Henderson,	Taylor,
Case,	Hess,	Wadge,
Caven,	Hubbard,	Williams,
Denbo,	Johnson,	Wood—39.

No Senator voting in the negative.

So the constitutional rule was suspended, and

Engrossed House Bill No. 137 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Alsop,	Beeson,	Bird,
Andrews,	Beggs,	Carnahan,
Armstrong,	Bobo,	Case,
Beardsley,	Bradley,	Cave,

Caven,	Gregg,	Miller,
Collett,	Hadley,	Morgan,
Denbo,	Henderson,	Robinson,
Dougherty,	Hess,	Scott,
Dwiggins,	Hooper,	Straud,
Francisco,	Hubbard,	Taylor,
Fuller,	Johnson,	Wadge,
Glessner,	Lasselle,	Williams,
Green,	Martindale,	Wood—40.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Bradley moved to suspend the order of business that Senate Bill No. 30 may be taken up.

It was agreed to.

On motion by Mr. Dittemore,

The Senate adjourned.

THURSDAY MORNING.

FEBRUARY 23, 1871, 10 O'CLOCK.

The Senate met.

Prayer by Rev. L. M. Walters, of Strange Chapel M. E. Church, of Indianapolis.

Message from the Governor, by John M. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 25, 1871.

MR. PRESIDENT:

I am directed by the Governor to respectfully inform the Senate that he has approved and signed the following enrolled acts of the Senate, viz.:

Enrolled Act No. 32, entitled "An act to fix the time of holding the Circuit Court in the Twenty-Eighth Judicial Circuit, composed of the counties of Johnson, Shelby, Brown, and Bartholomew, and providing for return of process, and repealing all laws in conflict therewith, and declaring an emergency."

Enrolled Act No. 163, entitled "An act to authorize the consolidation of Hydraulic Companies, and to define the powers of such consolidated companies."

Enrolled Act No. 152, entitled "An act to extend the time for the completion of railroads, in cases in which the time has been heretofore extended, and the roads are not yet finished."

Enrolled Act No. 266, entitled "An act to amend the sixth section of an act to provide for the custody and management of the notes, bonds, and mortgages, arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners; to continue in force all laws or parts of laws, in force on the 20th day of January, 1867,

which are applicable to said loans, and the securities therefor; to clothe the Auditor of State with powers, and subject him to the duties in relation to said loans and securities therefor, which by said laws are vested in or imposed upon said Board of Sinking Fund Commissioners; to provide for the incidental expenses of the management of said loans and securities, including clerk hire, and for the modes and payment of such allowance for expenses, substituting the seal of the Auditor of State for that of the Board of Sinking Fund Commissioners, and declaring an emergency for the immediate taking effect of this act; and providing for the Auditor of State to execute bond and payment of all moneys into the State Treasury, and adding supplementary sections thereto."

And that said several acts have been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

The President announced the following as the select committee, provided for in the resolution introduced on yesterday by Mr. Caven, in reference to charges of corruption made against the Senate judiciary committee of the General Assembly, two years ago, to wit:

Messrs. Steele, Denbo, Taylor, Rosebrough, and Beardsley.

Message from the Governor, by John M. Commons, Private Secretary:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 23, 1871.

Gentlemen of the Senate and House of Representatives:

Thirty-four members of the House of Representatives of the present General Assembly of the State of Indiana, have placed their written resignations of their offices as members of said House of Representatives, in my hands as Governor of the State, and have consequently ceased to be members of said House of Representatives.

The following are the names of the Representatives who have thus resigned, with the names of the counties of which they were Representatives, to wit:

William S. Ballenger, Representative from the county of Wayne.

Fielding Beeler, Representative from the county of Marion.

Hiram S. Biggs, Representative from the county of Kosciusko.

W. W. Butterworth, Representative from the county of St. Joseph.

Edward Calkins, Representative from the counties of Kosciusko and Fulton.

Wm. H. Calkins, Representative from the county of Porter.

W. W. Conner, Representative from the counties of Hamilton and Tipton.

G. W. Friedly, Representative from the county of Lawrence.

Anthony E. Gordon, Representative from the county of Boone.

William Heilman, Representative from the county of Vanderburgh.

Benjamin F. Hill, Representative from the counties of Rush and Decatur.

Robert P. Hooker, Representative from the county of Vanderburgh.

A. M. Kennedy, Representative from the county of Rush.

Edward King, Representative from the county of Marion.

F. M. Kirkpatrick, Representative from the county of Howard.

John L. Knight, Representative from the counties of Wabash and Miami.

T. S. Lines, Representative from the counties of Henry and Madison.

John R. Millikan, Representative from the county of Henry.

Elam Myers, Representative from the county of Elkhart.

George A. Netherton, Representative from the counties of LaPorte and Starke.

W. Rawles, Representative from the county of Lagrange.

William P. Rhodes, Representative from the county of Warren.

James H. Ruddell, Representative from the county of Marion.

S. C. Sabin, Representative from the county of Steuben.

Daniel Sayers, Representative from the county of Wabash.

James P. Snodgrass, Representative from the county of Delaware.

Robert T. St. John, Representative from the county of Grant.

Asahel Stone, Representative from the county of Randolph.

William T. Strickland, Representative from the county of Decatur.

Henry A. White, Representative from the county of Vermillion.

Oliver M. Wilson, Representative from the county of Marion.

Benj. F. Williams, Representative from the counties of Union and Fayette.

Martin Wood, Representative from the county of Lake.

John E. Woodward, Representative from the county of Parke.

Said resignations were all presented to and accepted by me, on the 22d day of February, 1871, after the adjournment of the House on that day.

CONRAD BAKER.

Governor of Indiana.

Mr. Hooper moved that when the Senate adjourn, it adjourn until to-morrow, at two o'clock P. M.

Which was agreed to.

Mr. Henderson, by consent, offered the following:

Resolved, That the Auditor of State be and he is hereby directed to issue his warrant on the State Treasurer, in favor of A. E. & W. H. Drapier, for the same number of copies of the Brevier Legislative Reports of the 47th General Assembly, as have been furnished every session since 1857, the same price paid per page, per copy, for the last several volumes, to be paid out of the fund appropriated for legislative expenses, and three copies to be bound in sheep for each member and elective officer.

On motion of Mr. Gray,

The Senate adjourned.

FRIDAY AFTERNOON.

FEBRUARY 24, 1871. 2 O'CLOCK.

The Senate met.

Mr. Scott moved that when the Senate adjourn, it stands adjourned until Monday at two o'clock P. M.

Which was agreed to.

Mr. Martindale moved that the Senate do now adjourn.

One tenth of the Senators demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Andrews,	Fosdick,	Martindale,
Beardsley,	Gray,	Miller,
Beeson,	Green,	Robinson,
Case,	Hadley,	Scott,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Dwiggins,	Hubbard,	Wood—21.

Those who voted in the negative were, Messrs.

Alsop,	Dougherty,	Johnson,
Armstrong,	Francisco,	Lasselle,
Bradley,	Fuller,	Morgan,
Brown,	Glessner,	Rosebrough,
Bird,	Gregg,	Straud,
Carnahan,	Henderson,	Williams—19.
Denbo,		

Pending which, and at the completion of the roll call, and before the vote was announced,

The Lieutenant Governor arose, and gave his opinion as to the validity of the resolution offered by Mr. Henderson on yesterday, in

relation to the printing of brevier reports, and ruled the same out of order, basing his opinion upon a statement made in the *Sentinel* of to-day.

Mr. Bradley asked leave to submit the following appeal from said decision:

Senator Henderson having on Thursday, February 25, introduced the following resolution, to-wit:

“*Resolved*, That the Auditor of State be and he is hereby directed to issue his warrant on the State Treasurer, in favor of A. E. & W. H. Drapier, for the same number of copies of the brevier legislative reports of the 47th General Assembly, as have been furnished every session since 1857, the same price paid per page, per copy, for the last several volumes, to be paid out of the fund appropriated for legislative expenses, and three copies to be bound in sheep, for each member and elective officer.”

Which was pending when the Senate adjourned, and on the meeting of the Senate at the next session a motion was made to adjourn, and pending a roll call on said motion, the President decided the said resolution of Senator Henderson out of order, from which decision we respectfully appeal.

JAMES BRADLEY,
E. HENDERSON.

The Lieutenant Governor then announced the Senate adjourned in accordance with a vote just taken.

MONDAY AFTERNOON.

FEBRUARY 27, 1871, 2 O'CLOCK.

The Senate met.

Pending the adjournment, was an appeal by Mr. Bradley from the decision of the Chair on Friday.

Mr. Wood asked and obtained leave of absence for himself and Mr. Fuller indefinitely.

Mr. Scott offered the following:

Resolved, That when the Senate adjourn, it adjourn to meet on Thursday at 2 o'clock.

Mr. Glessner asked and obtained leave of absence for Mr. Rosebrough.

The question recurring upon the adoption of the resolution.

Mr. Brown offered the following amendment:

Amend by inserting in place of "next Thursday," the words "*sine die*," and strike out the word "when."

Which was agreed to.

The question recurring upon the adoption of the resolution as amended.

Messrs. Bradley and Lasselle demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Armstrong,	Brown,	Collett,
Beardsley,	Carnahan,	Denbo,
Beeson,	Case,	Elliott,
Beggs,	Caven,	Francisco,

Glessner,	Hubbard,	Steele,
Gray,	Martindale,	Straud,
Green,	Miller,	Taylor,
Henderson,	Robinson,	Wadge,
Hooper,	Rosebrough,	Wood—27.

Those who voted in the negative were, Messrs.

Bradley,	Gregg,	Morgan,
Dittamore,	Johnson,	Scott,
Fuller,	Lasselle,	Williams—10.

So the resolution was adopted, and

The President declared the Senate adjourned, *sine die*.

Mr. Steele, immediately on the adjournment, handed in the following report from the special committee to investigate the charge made by the Senator from Vanderburgh.

The select committee of the Senate to which was referred a resolution of the Senate, directing said committee to investigate the truth of the statement, that money or other pecuniary consideration, was paid by the National banks of this State, to some of the members of the judiciary committee of the Senate in 1869, to induce them to report against, and use their influence to prevent the passage of an act providing for the taxation of the capital stock of such banks for municipal purposes.

The committee have given the subject such consideration as its importance demands, and after examining many witnesses, including an officer of each of the National Banks of Indianapolis, have been unable to find any proof of the truth of the statement referred to in the resolution. The testimony of each, and all of said witnesses, is herewith respectfully submitted.

A. STEELE,
HENRY TAYLOR,
J. R. BEARDSLEY.

JAMES W. COLE,
Assistant Secretary.

Of Senate Bills and Joint Resolutions introduced and pending in the Senate upon the adjournment of the Regular Session, February 27, 1871. Also House Bills and Joint Resolutions received and pending in the Senate at the adjournment, February 27, 1871. Prepared by W. R. Harrison, Secretary of the Senate.

No.	TITLE.	WHEN INTRODUCED.	BY WHOM.	DISPOSITION.
✓ 1	A BILL to legalize bonds of cities issued to aid in the construction of water works, and the sale and hypothecation of such bonds, to legalize all orders, resolutions and ordinances of cities for the construction of water works, and all acts done and contracts made under and in pursuance thereof; and to authorize the issuing and sale of bonds, and negotiations of temporary loans to raise money and carry out and comply with contracts heretofore made for the establishment and construction of water works, and to fully complete said works.	January 6.	Bradley.	Passed January 16.
2	A BILL to prevent hunting or shooting within enclosures without the consent of the owner thereof, and fixing a penalty therefor.	January 6.	Johnston.	Passed February 7.
✓ 3	A BILL regulating the fees of certain officers therein named, and prescribing penalties for the violation of its provisions.	January 6.	Martindale.	January 13, to committee on fees and salaries; February 1, reported back with amendments; February 8, to committee of the whole; February 9, reported back and referred to committee on fees and salaries; February 10, reported back and ordered to lie on the table; on second reading. Passed February 14.
✓ 4	A BILL prescribing certain of the duties of the clerks, auditors, sheriffs and treasurers of the several counties of this State, fixing their compensation, prescribing penalties for their failure to discharge their duties, regulating the appointment of bailiffs, their allowances, and repealing all laws in conflict with the provisions hereof, and declaring an emergency.	January 6.	Henderson.	
✓ 5	A BILL to enable married women to join with their husbands in making valid executory contracts for the sale or conveyance of his real estate.	January 9.	Bradley.	January 13, to committee on judiciary; February 15, reported back with amendments, recommending its passage; on second reading.
✓ 6	A BILL fixing specific salaries for county clerks, auditors, treasurers and sheriffs of the several counties, defining their duties and repealing all laws in conflict with this act.	January 9.	Green.	January 13, to committee on fees and salaries; January 27, reported back and ordered to lie on the table.

CALENDAR OF SENATE BILLS.—Continued.

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No.	TITLE.	WHEN INTRODUCED.	BY WHOM.	DISPOSITION.
7	AN ACT providing for the publication of certain business therein named of boards of commissioners, fixing a penalty, designating a session when certain business shall be transacted, repealing all laws in conflict herewith, and declaring an emergency.	January 9.	Hadley.	January 13, to committee on county and township business; February 1, reported back recommending its passage; on second reading.
8	AN ACT to amend the 6th, 7th and 11th sections of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852, and repealing all laws conflicting with this act.	January 9.	Martindale.	January 13, to committee on judiciary; February 2, reported back; February 2, passed.
9	A BILL regulating interest on money.	January 9.	Wood.	January 13, to committee on judiciary; January 27, reported back; on second reading.
10	AN ACT repealing section 1 of an act entitled "An act prescribing the duties and fixing the compensation of State Agent," approved June 17, 1852, and authorizing and requiring the Treasurer of State to perform the duties thereof, and declaring an emergency to exist for the taking effect of this act.	January 9.	Gregg.	January 13, to committee on judiciary; February 8, reported back and referred to committee on finance; on third reading.
11	A BILL to amend an act entitled "An act to enable the owners of wet lands to drain and reclaim them where the same can not be done without affecting the lands of others; prescribing the powers and duties of county boards and county auditors in the premises, and repealing all laws inconsistent therewith," approved March 11, 1857.	January 9.	Johnston.	Passed February 7.
12	AN ACT to amend section 7 of "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1855.	January 9.	Cave.	January 13, to committee on agriculture; February 2, reported back and ordered to lie on the table.
13	A BILL to establish the rate of interest on judgments and claims in certain cases.	January 9.	Bradley.	January 13, to committee on judiciary; January 24, reported back; on second reading.
14	AN ACT to encourage manufacturing in the State of Indiana, and allowing and legalizing conveyances of real estate to foreign manufacturing corporations.	January 9.	Hubbard.	January 13, to committee on corporations; January 31, reported back; on second reading.
15	AN ACT supplementing to "An act authorizing the construction of plank, macadamized and gravel roads," approved March 12, 1852, and amendments thereto.	January 9.	Johnson.	January 13, to committee on rights and privileges; February 2, reported back, with amendments, recommending its passage; on second reading.
16	AN ACT to amend section 3 of an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay	January 9.	Hess.	January 13, to committee on education; February 7, reported back, and ordered to lie on the table.

✓ 17	debts contracted for erection of such buildings, and authorizing the levy and collection of additional special school tax for the payment of principal and interest of such bonds. AN ACT to regulate and make uniform the prices charged by railroad companies for transporting passengers, goods, wares, merchandise, and other property, to and from stations on railroads in the State of Indiana, declaring the duty of certain officers in relation thereto, to prescribing penalties for the violation thereof, and declaring an emergency.	January 9.	Williams.	January 13, to committee on railroads.
✓ 18	AN ACT authorizing county recorders to demand and receive their fees for recording at the time deeds, mortgages, and other papers, are presented to them for record.	January 9.	Carnahan.	February 7, passed; February 10, referred to House.
✓ 19	AN ACT to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location, and for the transfer of the former county property, and defining certain misdemeanors, and prescribing punishment therefor.	January 9.	Brown.	January 13, to committee on county and township business; January 31, reported back; February 2, ordered engrossed; on third reading.
✓ 20	AN ACT empowering and legalizing appropriations for bridges by county commissioners.	January 9.	Hubbard.	January 13, to committee on county and township business; on second reading.
✓ 21	AN ACT to amend section 39 of an act entitled "An act defining felonies, and prescribing punishment therefor."	January 9.	Martindale.	January 27, passed.
✓ 22	A BILL to fix the time of holding the Circuit Courts in the Sixth Judicial Circuit, requiring all persons to take notice thereof, providing for the return of process, repealing all laws in conflict herewith, and declaring when this act shall take effect.	January 9.	Dittmore.	January 16, passed, and referred to the House.
✓ 23	A BILL to constitute the Twenty-Fifth Judicial District.	January 9.	Lasselle.	February 1, passed; February 2, referred to the House.
✓ 24	A BILL authorizing plank, macadamized, and gravel road companies, with the concurrence of township trustees, to levy a road tax in their respective districts.	January 12.	Beeson.	February 14, passed; February 15, referred to the House.
✓ 25	A BILL regulating the terms of the Circuit Courts in the Fifteenth Judicial Circuit, and making all process whatever returnable thereto, repealing all laws in conflict therewith, and declaring an emergency.	January 12.	Fuller.	January 16, passed.
✓ 26	A BILL to amend an act entitled "An act to enable the owners of wet lands to drain and reclaim them, where the same can not be done without alienating the lands of others, and prescribing the powers and duties of county boards and county auditors in the premises, and repealing all laws inconsistent therewith, approved March 11, 1867, by amending the title, and by amending sections 1, 3, 4, 6, 9, 11, and 12; that the title of said act be, and the same is hereby amended to read as follows: 'An act to enable and encourage the owners of wet lands and marshes to drain or reclaim the same, when the work necessary thereto will affect the lands of others, and prescribing the powers and duties of county commissioners, county auditors and recorders in the premises, and repealing all laws inconsistent therewith.'	January 12.	Green.	January 13, to committee on corporations; February 15, reported back, with amendments, recommending its passage; on second reading.
✓ 27	AN ACT to amend section 580 of an act approved June 18, 1852, and entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms of actions at law in the Courts of this State; to abolish distinct forms of action at law, and to provide for the	January 12.		January 13, to committee on organization of courts; February 7, reported back, recommending its passage; on second reading.

CALENDAR OF SENATE BILLS—Continued.

No.	TITLE.	WHEN INTRODUCED.	BY WHOM.	DISPOSITION.
✓ 28	administration of justice in a uniform mode of pleading and practice, without distinction between law and equity. A BILL to amend an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof," approved May 13, 1852, creating an additional judge of said court, and declaring a vacancy.	January 12.	Bradley.	February 22, passed; February 22, referred to the House.
✓ 29	AN ACT to provide for the holding of Roman Catholic churches, cemeteries, colleges, and other property, and for the conveyance and succession thereto.	January 12.	Bobo.	January 13, to committee on judiciary; January 24, reported back, and ordered to be engrossed; on third reading.
✓ 30	AN ACT supplemental to an act entitled "An act to enable incorporate towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein; and to make surveys, and adopt when the same have been lost or destroyed, and prescribing the duties of boards of trustees, and providing for the mode of working, and improving streets and alleys, and declaring an emergency."	January 12.	Gray.	January 13, to committee on judiciary; February 8, reported back and referred to committee on finance; on second reading.
✓ 31	A BILL to provide for the payment of certain stocks and bonds of the State of Indiana, therein named.	January 12.	Glessner.	February 1, passed and referred to the House.
✓ 32	A BILL to fix the time of holding the Circuit Courts in the Twenty-Eighth Judicial Circuit, composed of the counties of Johnson, Shelby, Brown, and Bartholomew, and providing for return of process, and repealing all laws in conflict therewith, and declaring an emergency.	January 12.	Wadge.	January 13, to committee on corporations; on second reading.
✓ 33	AN ACT to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject," which took effect without Executive approval, May 22, 1869.	January 12.	Morgan.	January 31, passed.
✓ 34	AN ACT to amend an act entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburg a city charter," approved January 27, 1847, and declaratory of the meaning of the second section of the same act, approved December 21st, 1865, and making supplemental sections thereto for the government of the Water Works at Evansville.	January 12.	Steele.	February 7, passed and referred to the House.
✓ 35	AN ACT to amend section 207 of an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law,	January 12.		

✓ 36	and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852.	January 12.	Donbo.	January 13, to committee on county and township business; January 20, reported back and ordered engrossed; on third reading.
✓ 37	AN ACT prescribing the duties of county auditors in relation to making out and publishing the delinquent list, and fixing compensation for publishing the same. "An act districting the State for the purpose of electing four judges of the Supreme Court," approved February 19, 1852, and creating a Fifth District.	January 12.	Bradley.	February 22, passed.
✓ 38	AN ACT to amend an act entitled "An act to exempt property from sale in certain cases," approved February 17, 1852.	January 12.	Martindale.	January 13, to committee on judiciary; January 21, reported back; ordered engrossed; on third reading.
✓ 39	AN ACT amendatory of an act accepting the provisions of an act of the Congress of the United States of America, entitled "An act donating lands to the several States and territories, which may provide colleges for the benefit of Agriculture, and the Mechanic Arts, providing for the receipt, investment, and management of said donation," passed March 6, 1865, and providing for an increase in the number of trustees in the Purdue University, and the election of four members of the State Board of Agriculture as trustees of Purdue University.	January 12.	Williams.	January 16, passed.
40	AN ACT to amend an act entitled "An act to provide for a general system of common schools," approved March 6th, 1865, and adding supplemental sections thereto.	January 12.	Martindale.	January 13, to committee on education; February 21, read a second time and ordered engrossed; on third reading.
✓ 41	A BILL to amend an act entitled "An act to provide for a general system of common schools," approved March 6, 1865, and adding supplemental sections thereto.	January 12.	Martindale.	January 13, to committee on education; February 2, reported back; on second reading.
✓ 42	AN ACT making an appropriation of the sum of four hundred and thirteen thousand five hundred and twenty-nine dollars and forty-eight cents, for the payment of the claims of sufferers by the Morgan raid.	January 12.	Andrews.	January 13, to committee on claims; on second reading.
✓ 43	AN ACT to legalize the sale of Seminary lands in Jasper county, to Marion L. Spittler, and Margaret Stackhouse, and directing how the proceeds of said sale shall be applied.	January 12.	Dwiggins.	January 26, to committee on education; February 3, reported back; on second reading.
✓ 44	AN ACT dividing the State into five Supreme Court Districts, providing for the appointment and election of a Judge of the Supreme Court in the Fifth District, and for the salaries of the judges of the Supreme Court.	January 13.	Carnahan.	January 26, to committee on organization of courts; on second reading.
✓ 45	AN ACT to legalize the extension of plank, macadamized, gravel and turnpike roads beyond the termini thereof, as set forth in their articles of association of such companies heretofore made in certain cases, and to authorize such extensions to be made hereafter in certain cases.	January 14.	Glesner.	January 26, to committee on roads; January 27, reported back, recommending its passage; on second reading.
✓ 46	AN ACT to encourage the destruction of foxes and wild-cats.	January 14.	Fuller.	January 26, to committee on agriculture; February 7, reported back; on second reading.
✓ 47	AN ACT to repeal an act entitled "An act to discourage the keeping of useless and sheep-killing dogs," etc., approved March 2d, 1865.	January 14.	Cave.	Jan. 26, to committee on rights and privileges; Feb. 2, reported back and ordered to lie on the table.
✓ 48	A BILL for an act supplemental to an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands, by incorporated com-	January 14.	Beardsley.	February 17, passed and referred to the House.

CALENDAR OF SENATE BILLS.—Continued.

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No.	TITLE.	WHEN INTRODUCED.	BY WHOM.	DISPOSITION.
✓ 49	panies, and to repeal all former laws relating to the same subject," which act took effect May 22, 1869. AN ACT to amend an act entitled "An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency," approved March 11, 1867.	January 14.	Johnson.	January 26, to committee on agriculture; on second reading.
50	AN ACT to establish Superior Courts, defining their jurisdiction, and providing for their election and compensation of the judges thereof.	January 14.	Martindale.	January 26, to committee on organization of courts; on second reading.
51	A BILL in relation to Fire and Life Insurance Companies.	January 14.	Denbo.	January 26, to committee on finance; February 1, reported back and referred to committee on insurance; on second reading.
52	AN ACT prohibiting the prosecuting attorneys of the Circuit Courts from entering a <i>wolfe proscrit</i> in any State case without the consent of the court, and declaring an emergency.	January 14.	Fuller.	January 26, to committee on judiciary; February 2, reported back and ordered to lie on the table; on second reading.
✓ 53	A BILL to authorize trustees to sell real estate, and to invest the proceeds of such sales for the benefit of their <i>cestui que trusts</i> .	January 14.	Bradley.	February 9, passed and referred to the House.
54	AN ACT authorizing married women to make contracts, rendering their separate property liable therefor, exempting such property and their earnings from the debts of their husbands, and exempting the property of husbands from the separate debts of their wives made as sole traders.	January 14.	Martindale.	January 26, to committee on woman's rights, Mr. Beeson, Chairman; February 2, reported back, on second reading.
✓ 55	A BILL to amend section 2 of an act entitled "An act providing for the redemption of real estate or any interest therein sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 4, 1861.	January 14.	Beardsley.	January 26, to committee on judiciary; February 2, reported back; on second reading.
56	AN ACT to amend section 30 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and of those of county and township officers in relation thereto," approved December 20, 1865.	January 14.	Cave.	January 26, to committee on agriculture; February 8, reported back; on second reading.
✓ 57	AN ACT authorizing and empowering the clerk of the Circuit Court and the Court of Common Pleas to grant restraining orders and temporary injunctions, providing the mode by which they may be dissolved or modified, authorizing and empowering the judge of the Circuit Court to hear and determine applications in cases pending in the Court of Common Pleas, and authorizing and empowering the judge of the Court of Common Pleas to hear and determine like cases pending in the Circuit Court.	January 14.	Grogg.	January 26, to committee on judiciary; February 7, reported back and ordered to lie on the table.

55	A BILL to amend sections 1 and 2 of an act entitled an act to amend the 13th and 14th sections of an act entitled "An act providing for the election and qualification of justices of the peace, defining their jurisdictions, powers and duties in civil cases," approved March 9, 1851.	January 14.	Beardsley.	January 26, to committee on organization of courts; January 31, reported back and ordered to lie on the table; on second reading.
59	AN ACT fixing the rate of interest on money, and repealing all laws in conflict therewith, and declaring an emergency.	January 14.	Fuller.	January 26, to committee on finance; February 7, reported back and indefinitely postponed.
60	AN ACT authorizing cities, towns and townships to negotiate bonds for school building purposes, and authorizing the collection of a tax for the payment of such bonds.	January 14.	Martindale.	January 26, to committee on education; February 2, reported back with amendments; on second reading.
61	A BILL providing for the taxation of water works companies, and associations for furnishing water to cities and towns.	January 14.	Martindale.	January 26, to committee on corporations; January 31, reported back; on second reading.
62	AN ACT to authorize townships to aid in the erection of bridges for common travel.	January 14.	Brown.	January 26, to committee on county and township business; February 1, reported back and ordered to lie on the table.
63	AN ACT to establish an insurance bureau.	January 14.	Denbo.	January 26, to committee on insurance; on second reading.
64	AN ACT relating to insurance companies, (joint stock companies.)	January 14.	Martindale.	January 26, to committee on insurance; on second reading.
65	A BILL to amend the 18th section of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852, and validating deeds of conveyance made in contravention thereof.	January 14.	Bradley.	January 26, to committee on judiciary; February 3, reported back, read a third time and failed to pass, (for want of constitutional majority;) February 9, reconsidered and ordered to be placed upon the files.
66	A BILL, authorizing metropolitan police districts in incorporated cities having a population of not less than twenty thousand inhabitants according to the United States census for the year eighteen hundred and seventy, and providing for the government thereof.	January 16.	Dittmore.	January 26, to committee on corporations; January 31, reported back; ordered to be indefinitely postponed.
67	A BILL to amend the title of "An act concerning license to vend foreign merchandise, to exhibit any extravau, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852.	January 16.	Beeson.	January 26, to committee on county and township business; on second reading.
68	A BILL to amend the 69th section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall be exercised, and to regulate such other matters as pertain thereto," approved March 14, 1857.	January 16.	Bradley.	January 26, to committee on corporations; February 7, reported back; on second reading.
69	A BILL authorizing plank, macadamized and gravel road companies to enter upon lands, to construct drains, and appropriate material, by giving notice and having value of materials appraised.	January 16.	Hess.	February 7, passed.
70	A BILL to repeal the 2d section of an act entitled an act repealing sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21 and 22 of an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers," approved March 11, 1857, and prescribing further duties of the officers of elections, and providing for the appointment of the necessary officers and	January 16.	Savninghausen.	January 26, to committee on judiciary; on second reading.

CALENDAR OF SENATE BILLS.—Continued.

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No.	TITLE.	WHEN INTRODUCED.	By Whom.	DISPOSITION.
71	clerks for holding such elections, which first mentioned act was approved May 13, 1869. A BILL to establish a rate of interest upon judgments rendered upon contracts stipulating for a greater rate of interest than six per cent.	January 16.	Armstrong.	January 26, to committee on finance; February 1, reported back and ordered to be indefinitely postponed; on second reading.
72	A BILL to amend the 13th section of an act entitled an act supplemental to an act entitled "An act concerning real property, and the alienation thereof," approved May 6, 1852, and to provide for the sale and conveyance of the interest of an insane wife in the lands of her husband	January 16.	Beeson.	January 26, to committee on judiciary; February 14, reported back and ordered to lie on the table; on second reading.
73	A BILL authorizing the organization of voluntary associations, prescribing their powers, defining their duties, and repealing all former laws on that subject, and legalizing the acts of associations found under the laws which have been repealed.	January 16.	Caven.	January 26, to committee on corporations; January 31, reported back; on second reading.
74	A BILL to amend the eighth section of an act entitled "An act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, and other buildings therein mentioned," approved June 17, 1852.	January 16.	Bradley.	January 26, to committee on judiciary; February 3, reported back; on second reading.
75	A BILL to regulate the publication of legal advertisements.	January 16.	Martindale.	January 26, to committee on public printing; on second reading.
76	A BILL to amend section 2 of an act entitled "An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency," approved March 11, 1867.	January 16.	Fuller.	January 26, to committee on agriculture; February 7, reported back, and ordered to lie on the table; on second reading.
77	A BILL in relation to promissory notes, bank checks, and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance, and payment of the same.	January 16.	Sarninghausen.	January 26, to committee on banks; January 27, reported back; on second reading.
78	A BILL to provide compensation for the judges when performing extra services.	January 16.	Bradley.	January 26, to committee on judiciary; February 2, reported back; on second reading.
79	A BILL to authorize incorporated cities and towns to condemn stone and gravel situated within one mile and a half of their corporation limits, for the purpose of constructing and repairing streets and alleys, and other public improvements, under the same rules and regulations that are now provided by law for other corporations to condemn stone and gravel.	January 16.	Armstrong.	January 26, to committee on corporations; January 31, reported back; February 1, read a second time, and ordered engrossed; on third reading.

✓ 80	A BILL relating to appeals to the Supreme Court.	January 16.	Martindale.	January 26, to committee on judiciary; February 9, reported back, recommending its passage; on second reading.
✓ 81	A BILL to confer power upon Circuit Courts and Courts of Common Pleas, and the judges thereof; to appoint clerks of such courts, and other persons, to grant injunctions and writs of <i>habeas corpus</i> ; to hear and try issues in proceedings therefor and thereunder; to tax and collect costs therein, and to allow judges of said courts in vacation to modify or vacate injunctions, and to authorize appeals therefrom.	January 16.	Bradley.	January 26, to committee on judiciary; February 3, reported back, recommending its passage; on second reading.
✓ 82	A BILL to legalize certain donations made by boards of county commissioners of this State.	January 16.	Johnson.	January 26, to committee on corporations; January 31, reported back, recommending its passage; on second reading.
✓ 83	A BILL to extend the time for the completion of certain railroads, and to legalize the acts of their boards of directors.	January 17.	Caruahan.	January 26, to committee on railroads; February 3, reported back, and ordered to lie on the table.
✓ 84	A BILL to authorize the election of a county engineer, and three road commissioners, and the appointment of an examiner of county engineers, and defining their qualifications and duties, and providing for the laying out, locating, changing and vacating, constructing, repairing and maintaining public highways, and for levying, collecting, and expending road tax, and repealing all laws and parts of laws in conflict therewith.	January 20.	Collett.	January 26, to committee on roads; February 2, reported back, recommending its passage; on second reading.
✓ 85	A BILL fixing the compensation of clerks, sheriffs, auditors, treasurers and recorders of the several counties in this State, to repeal all laws conflicting with the provisions of this act, and to declare an emergency.	January 20.	Hamilton.	January 26, to committee on fees and salaries; January 26, reported back, and ordered to lie on the table.
86	A BILL to protect the Wabash and Erie Canal, and the tolls and revenues thereof, from sale or sequestration for the satisfaction of any lien anterior in point of date to the transfer of said canal to the trustees in 1847.	January 20.	Steele.	January 26, postponed to January 25, at 2 o'clock P. M., and then rejected.
✓ 87	A BILL to amend an act entitled "An act to provide a treasury system for the State of Indiana, for the manner of receiving, holding, and disbursing the public moneys of the State, and for the safe keeping of public moneys, so as to provide for the violation thereof, and to better carry out the objects of said act."	January 20.	Hughes.	January 26, to committee on finance; February 1, reported back and ordered to be indefinitely postponed.
✓ 88	A BILL making appropriation for erecting a suitable building for the accommodation of the Cabinet of Natural History of Indiana University, for extinguishing the debts and enlarging the usefulness thereof.	January 20.	Hughes.	January 26, to committee on education; on second reading.
89	A BILL to amend section 24 of an act entitled "An act regulating descents, and the apportionment of estates," Approved May 14, 1852, and amendatory of said act.	January 20.	Miller.	January 26, to committee on judiciary; on second reading.
✓ 90	A BILL to amend sections 63 and 69, of chapter 12, of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.	January 20.	Taylor.	January 26, to committee on corporations; February 9, reported back and ordered to lie on the table; same date, ordered to be taken from the table and placed on the files; on second reading.

CALENDAR OF SENATE BILLS.—Continued.

No.	TITLE.	WHEN INTRODUCED.	BY WHOM.	DISPOSITION.
91	A BILL to amend section 561 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleading, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of practice and pleading, without distinction between law and equity," approved June 18, 1852.	January 20.	Wood.	January 26, to committee on judiciary; on second reading.
92	A BILL authorizing the investment of the money belonging to, and that may come to the Sinking Fund of Indiana.	January 20.	Caven.	January 26, to committee on finance; on second reading.
93	A BILL to provide for the payment of certain claims for ditching swamp lands out of the general swamp land fund.	January 20.	Green.	January 26, to committee on claims; February 13, reported back and ordered to lie on the table.
94	A BILL to prevent public roads from being changed or obstructed in certain cases therein provided for.	January 20.	Morgan.	February 22, passed.
95	A BILL to amend the 10th section of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.	January 20.	Beeson.	January 26, to committee on organization of courts; on second reading.
96	A BILL to further define the offense of bribery, and prescribe the punishment therefor.	January 20.	Hamilton.	January 26, to committee on judiciary; February 7, reported back, and ordered to lie on the table.
97	A BILL supplementary to an act entitled "An act authorizing the assessment of land for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved March 11, 1867, approved May 14, 1869.	January 20.	Henderson.	January 26, to committee on roads; February 2, reported back, and ordered to lie on the table.
98	A BILL to confirm, and make valid, sales of real estate in the State of Indiana made by trustees, and by domestic and foreign executors, and declaring an emergency.	January 20.	Andrews.	January 26, to committee on judiciary; on second reading.
99	A BILL in relation to the taking, holding, conveying and transmitting real estate by aliens.	January 20.	Bradley.	January 26, to committee on judiciary; February 7, reported back, and ordered to lie on the table.
100	AN ACT to make parties in for divorce competent witnesses, and to repeal all laws inconsistent therewith.	January 20.	Armstrong.	January 26, to committee on judiciary; on second reading.
101	A BILL to amend section 5 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly contained therein, and prescribing the fees for certain officers therein mentioned, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.	January 20.	Beardsley.	January 26, to committee on education; February 2, reported back, and ordered to lie on the table.

✓ 102	A BILL to amend section 47 of an act entitled "An act to provide for the opening, vacating and change of highways," approved June 17, 1852.	January 20.	Cave.	January 26, to committee on roads; January 27, reported back, recommending its passage; on second reading.
✓ 103	A BILL to amend section 3 of an act entitled "An act regulating docket fees of district attorneys in the courts of Common Pleas and before justices of the peace, and regulating prosecuting and district attorneys' fees for prosecutions on forfeited recognizances," approved June 4th, 1861.	January 20.	Hubbard.	January 26, to committee on fees and salaries; January 27, reported back, and ordered to lie on the table.
✓ 104	A BILL to provide for the election of trustees for the Benevolent Institutions of the State, and prescribing some of the duties of such officers, and repealing all laws inconsistent with the provisions of this act, and to fix the time for the taking effect of this act.	January 24.	Dittmore.	January 26, to committee on benevolent Institutions; on second reading.
✓ 105	A BILL to abolish the Twenty-Ninth Judicial Circuit (Jefferson Criminal Circuit Court), and to transfer its business to the Circuit Court, to provide for the jurisdiction of the Circuit and Common Pleas Courts of Jefferson county, in cases of felony and misdemeanors, and matters connected therewith.	January 21.	Francisco.	January 31, passed.
✓ 106	A BILL to repeal an act entitled "An act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies," approved May 12, 1869, and declaring an emergency.	January 24.	Taylor.	January 26, to committee on corporations; February 1, reported back, and ordered to be indefinitely postponed.
✓ 107	A BILL to amend an act entitled "An act to create a State Normal School, and declaring an emergency," approved December 20, 1865, and to appropriate funds necessary for the completion of said State Normal School, and providing from what fund the same shall be taken and appropriated, and adding supplemental sections thereto.	January 24.	Scott.	January 26, to committee on education; on second reading.
✓ 108	A BILL defining bribery, prescribing a punishment therefor, and repealing all laws in conflict therewith.	January 24.	Morgan.	January 26, to committee on judiciary; February 7, reported back, and ordered to lie on the table.
✓ 109	A BILL supplemental to an act concerning enclosures, trespassing animals, and partition fences, approved June 4, 1852.	January 24.	Wood.	January 26, to committee on agriculture; on second reading.
✓ 110	A BILL to amend section 58 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly relate thereto," approved March 14, 1867.	January 24.	Sarninghausen.	January 26, to committee on judiciary; February 7, reported back, recommending its passage; on second reading.
✓ 111	A BILL to provide for a more extended and improved system of College and University education in the State.	January 24.	Hadley.	January 26, to committee on education; February 14, ordered to lie on the table; on second reading.
✓ 112	A BILL to provide for the election of a supervisor, and board of commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers, and repealing all laws in conflict therewith, and declaring an emergency for the taking effect hereof.	January 24.	Fuller.	January 26, to committee on benevolent Institutions; on second reading.
✓ 113	A BILL authorizing suits to be brought in the partnership name only in certain cases, and declaring the effect thereof.	January 24.	Taylor.	January 26, to committee on judiciary; February 8, reported back; on second reading.
✓ 114	A BILL to provide for the acquisition and employment by the United States of lands within this State for public purposes.	January 24.	Bradley.	January 26, to committee on judiciary; February 2, reported back recommending its passage; on second reading.

CALENDAR OF SENATE BILLS.—Continued.

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No.	TITLE.	WHEN INTRODUCED.	BY WHOM.	DISPOSITION.
✓ 115	A BILL to distribute the surplus swamp land fund now in the State Treasury to the counties from whom it was collected.	January 24.	Williams.	January 26, to committee on swamp lands; February 9, reported back and referred to committee on claims; February 13, reported back and referred to committee on judiciary; on third reading.
✓ 116	A BILL to authorize the Auditor and Secretary of State to organize the two Houses of the General Assembly of the State of Indiana.	January 24.	Williams.	January 26, to committee on finance; February 1, reported back with amendments; on second reading.
✓ 117	A BILL to authorize and empower cities now incorporated under an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1857, and now owning real estate to sell and convey the same in whole or in parcels, as the common council of such cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency.	January 24.	Sarninghausen.	January 26, to committee on corporations; February 7, reported back with a substitute, recommending its passage; on second reading.
✓ 118	A BILL, entitled an act to amend section 17 of "An act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.	January 24.	Dougherty.	January 26, to committee on county and township business; on second reading.
✓ 119	A BILL supplemental to an act entitled "An act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved March 11, 1857, the above entitled act having been approved May 14, 1859, and repealing so much of said act as affects such companies not organized at the taking effect of this act.	January 24.	Glessner.	January 26, to committee on roads; February 3, reported back with amendments, and ordered to be engrossed; on third reading.
✓ 120	A BILL, for the relief of the treasurer of Vermillion county, of Indiana, and his sureties.	January 24.	Collett.	January 26, to committee on finance; February 1, reported back, recommending its passage; on second reading.
121	A BILL to amend sections 7 and 49 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.	January 24.	Carnahan.	January 26, to committee on judiciary; on second reading.
✓ 122	A BILL to repeal an act entitled "An act to limit the number of grand jurors, and point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith," approved March 4, 1852, to repeal sections 14, 15, 16, 17 and 18 of	January 24.	Armstrong.	January 26, to committee on judiciary; on second reading.

✓ 123	an act entitled "An act to revise, simplify and abridge the pleadings, practice and forms in criminal actions in the courts of this State," approved June 17, 1852, to abolish grand juries, to empower prosecuting attorneys to prosecute all crimes and misdemeanors by information.	January 24.	Cave.	January 26, to committee on fees and salaries; January 27, reported back and ordered to lie on the table.
✓ 124	A BILL to amend the 3d section of the act entitled "An act regulating docket fees of district attorneys in the Courts of Common Pleas and before Justices of the peace, and regulating prosecuting and district attorneys' fees for prosecutions on forfeited recognizances."	January 25.	Denbo.	January 26, to committee on county and township business; on second reading.
✓ 125	A BILL to amend sections 97 and 98 of an act entitled "An act to provide for a general system of common schools, the officers, and their respective powers and duties; and matters properly connected therewith, and prescribing the fees for certain officers therein, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1853.	January 25.	Hamilton.	January 26, to committee on corporations; January 31, reported back recommending its passage; on second reading.
✓ 126	A BILL to amend the 1st section of an act entitled "An act for the protection of sidewalks in towns and villages, and for the preservation of shade trees planted along the same," approved March 3, 1853, so as to protect sidewalks outside of towns and villages, approved March 9, 1857.	January 25.	Dougherty.	January 26, to committee on county and township business; February 2, reported back, recommending its passage; on second reading.
127	A BILL to amend "An act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for the violation of this act, and declaring an emergency," approved March 9, 1857.	January 25.	Beeson.	January 26, to committee on rights and privileges; February 2, reported back with amendments; on second reading.
128	A BILL to amend sections 349 and 350 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	January 25.	Morgan.	January 26, to committee on judiciary; February 15, reported back with amendments; on second reading.
129	A BILL to provide for the adjustment of certain State indebtedness contracted prior to the year 1841, and mentioned therein.	January 25.	Martindale.	January 25, rejected.
✓ 130	A BILL to amend section 1 of an act entitled "An act to incorporate the University of Notre Dame du Lac, at South Bend, Saint Joseph county, Indiana," approved January 15, 1844.	January 25.	Brown.	February 2, to committee on education; on second reading.
131	A BILL supplemental to an act passed December 18, 1855, entitled "An act to secure a just valuation and taxation of all railroad property within this State, to legalize the valuation, assessment, adjustment and payment of taxes for such property made subsequent to the year 1851," and to amend sections 5 and 8 of the same act.	January 26.	Hadley.	February 1, to committee on railroads; February 14, reported back; on second reading.
132	A BILL to amend sections 1, 3 and 7 of an act entitled "An act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved	January 26.	Wood.	February 1, to committee on roads; February 13, reported back and ordered to lie on the table.

CALENDAR OF SENATE BILLS.—Continued.

No.	TITLE.	WHEN INTRODUCED.	BY WHOM.	DISPOSITION.
✓ 133	March 11, 1867, approved May 11, 1869, and to legalize assessments heretofore made. A BILL, declaring any person who is in the habit of becoming intoxicated ineligible to hold any office of public trust, prescribing the duty of county commissioners and judges of the Supreme Court in such cases, and making it a misdemeanor for any one to sell or give any intoxicating drinks, except cider, to any one who is an habitual drunkard, prescribing punishment therefor, and declaring an emergency.	January 26.	Fuller.	February 1, to committee on judiciary; February 7, reported back and ordered to lie on the table.
✓ 134	A BILL, supplemental to an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, approved December 20, 1865, approved April, 1869.	January 26.	Denbo.	February 1, to committee on county and township business; on second reading.
✓ 135	A BILL, prescribing the manner of advertising sheriffs' sales.	January 26.	Dougherty.	February 1, to committee on county and township business; on second reading.
✓ 136	A BILL, to fix the time of holding the Circuit Courts in the Eighth Judicial Circuit, prescribing the length of the terms thereof, and repealing all laws in conflict herewith.	January 26.	Wood.	February 1, to committee on county and township business; on second reading. February 2, passed and referred to the House.
✓ 137	A BILL to provide for new trials in cases of persons convicted of felonious homicide when the defense is insanity, and for committing such persons to the Insane Asylum, under the order of the judge.	January 27.	Bradley.	January 27, to committee on judiciary; February 7, reported back and ordered to lie on the table; February 7, ordered from the table and placed upon the files.
✓ 138	A BILL to amend section 22 of an act entitled "An act concerning inclosures, trespassing animals, and partition fences."	January 27.	Carnahan.	February 1, to committee on agriculture; February 7, reported back recommending its passage; on second reading.
✓ 139	A BILL to amend section 135 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.	January 27.	Case.	February 1, to committee on judiciary; February 7, reported back recommending its passage; on second reading.
✓ 140	A BILL to prohibit the catching or killing of fish in certain waters of the State, prescribing certain penalties for the violation thereof, and repealing all laws in conflict therewith.	January 27.	Henderson.	February 1, to committee on county and township business; on second reading.
✓ 141	A BILL to amend section 17 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,	January 27.	Hubbard.	February 3, to committee on corporations; February 9, reported back recommending its passage; on second reading.

✓ 142	✓	declaring an emergency, and legalizing certain acts of officers therein named. A BILL to amend the two hundred and eleventh section of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to repeal section 246 of the same act. A BILL to amend section 311, of chapter 1, of "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."	January 31.	Bradley.	February 2, to committee on judiciary; February 8, reported back with amendments, recommending its passage; on second reading.
✓ 143	✓	A BILL to amend section 311, of chapter 1, of "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."	January 31.	Scott.	February 2, to committee on judiciary; February 7, reported back; on second reading.
✓ 144	✓	A BILL to abolish the Common Pleas Courts, and the Criminal Circuit Courts, and conferring the jurisdiction and business thereof upon the Circuit Courts; defining the duties of the Circuit Courts and clerks in regard thereto; dividing the State into judicial circuits; providing for the election and compensation of judges thereof; and prosecuting attorneys, repealing all laws in conflict herewith, and prescribing when this act shall take effect.	January 31.	Denbo.	February 9, to select committee.
✓ 145	✓	A BILL fixing the time of holding courts in the Twelfth Judicial Circuit, repealing all laws in conflict therewith, and declaring an emergency.	January 31.	Dwiggins.	Passed February 2.
✓ 146	✓	A BILL to amend section 1 of an act entitled "An act to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats where the same have been lost or destroyed, and prescribing the duties of boards of trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency," approved April 27, 1869, and declaring an emergency for the taking effect of this act.	January 31.	Case.	February 2, to committee on county and township business; on second reading.
✓ 147	✓	A BILL to provide for the publication of the proceedings and allowances of boards of county commissioners, and for the publication of the receipts and expenditures of township trustees, and for other purposes.	January 31.	Martindale.	February 2, to committee on public printing; February 13, reported back with amendments; on second reading.
✓ 148	✓	A BILL providing for a general system of common schools in all cities of thirty thousand or more inhabitants, and for the election of a board of school commissioners for such cities, and defining their duties, and prescribing their powers, and providing for common school libraries within such cities.	February 1.	Caven.	February 2, to committee on education.
✓ 149	✓	A BILL to amend section 14 of an act entitled "An act concerning promissory notes and bills of exchange," approved May 12, 1852.	February 1.	Gray.	Passed February 3.
✓ 150	✓	A BILL supplemental to an act providing for the election of clerks of the Circuit Court, and providing some of their duties, approved June 7, 1853.	February 1.	Denbo.	February 2, to committee on fees and salaries; February 8, reported back; on second reading.
✓ 151	✓	A BILL to legalize certain acts of corporations organized or attempted to be organized under and by virtue of an act entitled "An act	February 1.	Glessner.	Passed February 22.

CALENDAR OF SENATE BILLS.—Continued.

No.	TITLE.	WHEN INTRODUCED.	BY WHOM.	DISPOSITION.
✓ 152	authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852, and acts supplemental thereto. A BILL to extend the time for the completion of railroads in cases in which the time has been heretofore extended and the roads are not yet finished.	February 1.	Collett.	Passed February 13.
153	A BILL to provide for the organization of an experimental school for the instruction of feeble minded children.	February 1.	Collett.	February 2, to committee on benevolent institutions; February 14, reported back; on second reading.
✓ 154	WHEREAS, Since the passage of the act of May 12, 1852, authorizing the construction of plank, macadamized and gravel roads, there has been, throughout the State of Indiana, attempts at the organization of a great number of turnpike and gravel road companies, which organizations are defective in some of the particulars necessary to a perfect organization; and WHEREAS, Such organizations in the main have been gotten up without the aid of lawyers, but by farmers, which class of men have made large investments of money in such enterprises; and WHEREAS, Also, there has been numerous assessments of benefits by such turnpike and gravel road companies, which assessments and lists of lands are also incomplete, and great litigation and difficulties are likely to grow out of such defective organizations, listing of lands, and assessments of benefits thereon, and for the purpose of relieving against such litigation and consequent loss, therefore—Sec. 1. A BILL to enforce the collection of fees taxed against defendants who shall be convicted of any offence and sentenced to the penitentiary.	February 1.	Glessner.	February 2, to committee on roads; February 13, reported back and ordered to lie on the table.
✓ 155	A BILL to amend sections 2 and 4 of an act entitled "An act for the incorporation and continuance of building, loan fund and saving associations," approved March 5, 1857.	February 1.	Denbo.	February 2, to committee on fees and salaries; February 9, reported back and ordered to lie on the table.
✓ 156	A BILL to authorize railroad companies to construct branch lines of their roads, and to lease or grant the right of way over their road to any other railroad company whose road may intersect the same.	February 1.	Caven.	February 1, to committee on corporations; February 9, reported back; on second reading.
157	A BILL to amend section 17 of "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.	February 1.	Denbo.	February 1, to committee on corporations; February 7, reported back and referred to committee on railroads; on second reading.
✓ 158		February 1.	Hubbard.	February 2, to committee, special; February 7, reported back recommending its passage; on second reading.

159	A BILL to amend section 26 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.	February 1.	Boho.	February 2, to committee on judiciary; February 7, reported back and ordered to lie on the table.
160	A BILL to provide for the loaning, on real estate securities, by the Auditor of State, Treasurer of State, and Secretary of State, the moneys belonging to the sinking fund now on hand, or that may hereafter be received, and for the paying over to the Treasurer of State semi-annually, the interest on said mortgage loans, for distribution as part of the school fund, and for continuing in force all existing laws in regard to the custody, management and security of the sinking fund that are not in conflict with this act.	February 1.	Johnson.	February 1, to committee on finance; on second reading.
161	A BILL to amend the 6th section of an act to provide for the custody and management of the notes, bonds and mortgages arising directly out of loans heretofore made by the board of sinking fund commissioners, to continue in force all laws or parts of laws in force on the 20th day of January, 1867, which are applicable to said loans and the securities thereof, to clothe the Auditor of State with the powers, and subject him to the duties in relation to said loans and securities thereof, which, by said laws, are vested in or imposed upon said board of sinking fund commissioners, to provide for the incidental expense of the management of said loans and securities, including clerk hire, and for the mode and periods of payment of such allowance for expenses, substituting the seal of the Auditor of State for that of the board of sinking fund commissioners, and declaring an emergency for the immediate taking effect of this act, and providing for the Auditor of State to execute bond, and for the payment of all moneys into the State Treasury.	February 1.	Williams.	February 1, to committee on finance; February 10, reported back recommending its passage; on second reading.
162	A BILL authorizing the reassessment of lands for plank, macadamized and gravel road purposes, in all cases where an assessment has once been made, which for any cause is invalid, and prescribing the manner of assessing and collecting the same, and repealing all laws in conflict therewith.	February 2.	Miller,	February 9, to committee on corporations; on second reading.
163	A BILL to authorize the consolidation of hydraulic companies, and to define the powers of such consolidated companies.	February 2.	Beggs.	Passed February 3.
164	A BILL to make further provision for the care and treatment of the insane of the State.	February 2.	Morgan.	February 9, to committee on benevolent institutions; February 15, reported back with amendments, recommending its passage; on second reading.
165	A BILL to amend section 2 of an act entitled "An act providing for the organization of county boards, and prescribing some of their duties and powers," approved June 19, 1852.	February 2.	Wood.	February 9, to committee on county and township business; on second reading.
166	A BILL in relation to the taxation of lands in towns, and repealing all laws inconsistent therewith.	February 2.	Keigwin.	February 9, to committee on county and township business; on second reading.
167	A BILL to amend sections 61, 68, 69 and 70 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise	February 2.	Martindale.	February 9, to committee on corporations; on second reading.

CALENDAR OF SENATE BILLS.—Continued.

No.	TITLE.	WHEN INTRODUCED.	BY WHOM.	DISPOSITION.
✓ 168	<p>cise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.</p> <p>A BILL prescribing certain of the duties of the clerks, auditors, sheriffs and treasurers of the several counties of this State, fixing their compensation, prescribing penalties for their failure to discharge their duties, regulating the appointment of bailiffs, and their allowances, and repealing all laws in conflict with the provisions thereof.</p>	February 2.	Dougherty.	February 9, to committee on county and town ship business; on second reading.
✓ 169	A BILL to amend the 3d section of an act entitled "An act to provide for the government and discipline of the State Prison, and to repeal 'An act to provide for the government and discipline of the State Prison,' approved March 3, 1853, and all other laws or parts of laws inconsistent herewith," approved February 3, 1857.	February 2.	Glessner.	February 9, to committee on prisons; on second reading.
✓ 170	A BILL to legalize the official acts of the council and other officers of the corporation of Bluffton, in issuing and negotiating certain bonds to aid in the erection of the graded school building, under "An act for the incorporation of the town of Bluffton, in Wells county, Indiana," approved February 12, 1851.	February 2.	Dougherty.	February 9, to committee on corporations; on second reading.
✓ 171	A BILL to amend the 4th section of an act entitled "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith," approved February 25, 1865.	February 2.	Glessner.	February 9, to committee on fees and salaries; February 13, reported back recommending its passage; on third reading.
✓ 172	A BILL defining misdemeanors and prescribing punishment therefor.	February 2.	Miller.	February 2, to committee on rights and privileges; February 9, withdrawn.
✓ 173	A BILL legalizing the consolidation of the Logansport, Camden and Frankfort; the Frankfort and Camden, and the Crawfordsville and Rockville railroad companies, under the Logansport, Crawfordsville and Southwestern railway company, and the present organization of the last named company, and the proceedings of its stockholders and board of directors.	February 2.	Johnson.	Passed February 3.
✓ 174	A BILL to amend an act entitled "An act to authorize aid for the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1859.	February 2.	Taylor.	Passed February 22.
✓ 175	A BILL to fix the times of holding the Common Pleas Courts in the county of Decatur, and repealing all laws inconsistent therewith.	February 3.	Robinson.	Passed February 3.
✓ 176	A BILL conferring power upon common councils of cities to compel property owners owning lots abutting on harbors, to repair docks, and to dredge in front of such lots.	February 3.	Bradley.	February 9, to committee on corporations; on second reading.

177	✓	A BILL declaring express companies and through line companies, associations or corporations, common carriers, and providing for recovery in cases of non-performance by them.	February 3.	Johnson.	February 9, to committee on corporations; on second reading.
178		A BILL to authorize the construction of levees, dikes and drains by incorporated companies, and to repeal all former laws relating to the same subject, and declaring an emergency.	February 3.	Hubbard.	February 9, to committee on corporations; on second reading.
179	✓	A BILL to prevent any person from hiring or allowing minors to sell or give away intoxicating liquors in a less quantity than a quart at a time, and to provide a penalty therefor, and declaring an emergency.	February 3.	Steel.	February 9, to committee on benevolent institutions; on second reading.
180	✓	A BILL declaring public squares so marked on the plats of towns, not specially donated to any purpose, to be a ground for common school purposes, and authorizing school trustees or the township trustees of such township, to take possession of and erect school buildings thereon.	February 3.	Green.	Passed February 20.
181	✓	A BILL relating to the salaries of certain officers therein named, providing the manner of paying the same, and the manner of reimbursing the State therefor.	February 3.	Martindale.	February 9, to committee on fees and salaries; February 13, reported back; on second reading.
182	✓	A BILL to amend section 2 of an act entitled "An act relating to the Baptist Education Society for Indiana," approved January 15, 1849.	February 3.	Henderson.	February 9, to committee on corporations; on second reading.
183	✓	A BILL to amend the 108th section of an act to provide for a general system of common schools, the officers thereof, and their respective duties and powers, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.	February 7.	Williams.	February 9, to committee on education; February 14, reported back and ordered to lie on the table.
184		A BILL to give the right of action for injuries in certain cases.	February 7.	Beeson.	February 9, to committee on temperance; on second reading.
185		A BILL declaring the true intent and meaning of an act to authorize aid to the construction of railroads, by counties and townships, taking stock in and making donations to railroad corporations, approved May 12, 1869, and legalizing certain elections held under said act.	February 7.	Wood.	Passed February 22.
186		A BILL to regulate the running of locomotives through incorporated cities and towns, and prescribing penalties for the violation thereof.	February 7.	Gregg.	February 9, to committee on rights and privileges; February 15, reported back recommending its passage; on second reading.
187		A BILL to prescribe and regulate the service of process upon railroad companies whose principal office is not within the State, repealing conflicting laws, and declaring an emergency.	February 7.	Brown.	February 9, to committee on judiciary; on second reading.
188		A BILL defining certain felonies, prescribing the punishment therefor, repealing all laws in conflict therewith, and declaring an emergency.	February 7.	Dwiggins.	February 9, to committee on judiciary; February 15, reported back and ordered to lie on the table.
189		A BILL to regulate the granting of marriage licenses, and directing clerks of the Circuit Courts to transfer all books and papers pertaining thereto to the office of recorder.	February 7.	Armstrong.	February 9, to committee on judiciary; on second reading.
190	✓	A BILL to create the _____ Judicial Circuit of the State of Indiana, and fixing the time of holding courts therein.	February 7.	Morgan.	February 9, to committee on organization of courts; on second reading.
191		A BILL relating to the construction of a new State House, and to acquiring title to that part of square 48, in the city of Indianapolis, not owned by the State.	February 7.	Martindale.	February 9, to committee on public buildings; on second reading.

CALENDAR OF SENATE BILLS.—Continued.

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No.	TITLE.	WHEN INTRODUCED.	BY WHOM.	DISPOSITION.
✓ 192	A BILL authorizing certain draining companies to amend their articles of association, declaring such company a valid corporation on the terms therein prescribed.	February 8.	Green.	February 8, to committee on corporations; February 14, reported back recommending its passage; on third reading.
193	A BILL to fix the time of holding the Courts of Common Pleas in the counties of Greene, Owen, Clay, Putnam and Morgan, and repealing all acts in conflict herewith, and declaring an emergency.	February 8.	Dittmore.	February 9, to committee on organization of courts; on second reading.
194	A BILL to allow defenses to be made to suits on promissory notes made payable in bank, when the same may have been executed in consideration of any right secured or claimed to be secured by letters patent, or for any interest therein, or for any territory or agency under such letters.	February 8.	Taylor.	February 8, to committee on judiciary; on second reading.
195	A BILL defining misdemeanors, and declaring the penalties therefor.	February 8.	Beeson.	February 9, to committee on agriculture; on second reading.
196	A BILL to amend sections 2 and 3 of an act entitled "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State," approved February 26, 1867.	February 8.	Williams.	February 9, to committee on judiciary; on second reading.
197	A BILL creating the Twenty-Sixth Judicial District, composed of the counties of Shelby, Bartholomew and Johnson, fixing the time of holding courts therein, providing for the return of process, and repealing all laws in conflict therewith.	February 9.	Glesner.	February 9, to committee on organization of courts; February 14, reported back with amendments, recommending its passage; on second reading.
198	A BILL in relation to orphans' asylums and the children entrusted to their care.	February 9.	Steele.	
199	A BILL to provide for the registration of births, marriages and deaths in the State of Indiana.	February 9.	Steele.	
✓ 200	A BILL to fix the liability of express companies for the loss of packages or parts of packages entrusted to them for carriage.	February 9.	Keigwin.	
✓ 201	A BILL to amend an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," approved June 18, 1862.	February 9.	Keigwin.	
✓ 202	A BILL to amend section 1 of an act entitled "An act defining who shall be competent witnesses in any court or judicial proceeding in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act."	February 9.	Gray.	February 14, order of business suspended, read a second time and ordered to be engrossed; on third reading.
✓ 203	A BILL fixing the weights of salted or cured fish, regulating the sales thereof, and providing for the punishment of violations of the provisions hereof.	February 9.	Taylor.	
204	A BILL to amend section 22 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election	February 14.	Dwiggins.	

✓ 205	of the officers thereof, and declaring their duties," approved June 11, 1852, which 224 section was amended and approved March 2, 1855, and declaring an emergency.	February 14.	Fuller.	February 14, to committee on agriculture; on second reading.
✓ 206	A BILL requiring the members of the General Assembly of the State of Indiana to return all statutes to the State Librarian at the close of each session, and prescribing the duties of the State Librarian therein.	February 14.	Scott.	February 14, to committee on organization of courts; on second reading.
✓ 207	A BILL to legalize the acknowledgment of deeds and other instruments certified by notaries public whose commissions had expired.	February 14.	Wood.	February 14, to select committee of seven; February 22, reported back, rule suspended, read a second and third time, and passed.
✓ 208	A BILL relating to the taxation of docket fees in the Circuit and Common Pleas Courts, and providing for the payment of the same to the Judges thereof.	February 14.	Strand.	
✓ 209	A BILL to protect the citizens of the State of Indiana from empiricism, and to elevate the medical profession.	February 14.	Fosdick.	
✓ 210	A BILL to repeal an act entitled "An act in relation to the taxation of lands in towns and cities," approved June 18, 1852.	February 14.	Fosdick.	
✓ 211	A BILL to amend section 16 of an act entitled "An act concerning real estate and the alienation thereof," approved May 6, 1852.	February 14.	Henderson.	
✓ 212	A BILL to provide for the construction of narrow gauge horse railroads across and along public highways.	February 14.	Gray.	
✓ 213	A BILL to provide for the investment of the Sinking Fund now under the control of the Auditor of State, and for the distribution of the income thereof for common school purposes.	February 14.	Williams.	
✓ 214	A BILL requiring railroad companies, organized under any law of the State of Indiana, to keep their principal office of business within the State, and to have a majority of directors resident within the State of Indiana, and along the line of their railroad.	February 14.	Andrews.	
✓ 215	A BILL to encourage agriculture and agricultural fairs by the purchase and improvement of fair grounds.	February 14.	Rosebrough.	
✓ 216	A BILL to amend the second section of an act entitled "An act to fix the time of holding the Courts of Common Pleas in the Eighth Judicial District, repealing all laws on the same subject, and declaring when this act shall take effect," approved July 9, 1867, and declaring an emergency.	February 14.	Bird.	
✓ 217	A BILL to authorize the boards of commissioners of the several counties of this State, to appropriate money to aid in putting or keeping in repair any canal running in, through, or along any such county.	February 14.	Wood.	
✓ 218	A BILL to amend section 473 of "An act to provide for the valuation and assessment of the real estate and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.	February 14.	Dittmore.	
✓ 219	A BILL supplemental to an act entitled "An act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former acts contravening the provisions of this act, and prescribing penalties for violations thereof," approved March 6, 1859; providing penalties against minors for obtaining intoxicating liquors under			

CALENDAR OF SENATE BILLS.—Continued.

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No.	TITLE.	WHEN INTRODUCED.	BY WHOM.	DISPOSITION.
219	<p>false pretenses as to their age; and providing penalties against persons who shall, upon the Sabbath day, purchase any intoxicating liquors; and to regulate the granting of license to sell intoxicating liquors in incorporated cities and towns.</p> <p>A BILL to amend section 4 of an act entitled "An act touching gaming contracts," approved June 11, 1852.</p>	February 13.	Brown.	

SENATE JOINT RESOLUTIONS.

No.	TITLE.	WHEN INTRODUCED.	By Whom.	Disposition.
1	A JOINT RESOLUTION proposing an amendment to the Constitution by adding to the 10th article a section in relation to the debt charged upon the Wabash and Erie Canal.	January 6.	Caven.	Passed January 18, and referred to the House; January 25, returned from the House, passed January 24.
2	A JOINT RESOLUTION ceding to the United States jurisdiction over certain lands in Jeffersonville, Indiana, to be used for military purposes.	January 6.	Keigwin.	Passed January 16; January 17, referred to the House; January 18, returned from the House, passed.
3	A JOINT RESOLUTION of instruction to the Senators in Congress representing the State of Indiana, on the subject of annexing Dominica to the United States.	January 9.	Brown.	Passed January 9, and referred to the House; January 18, returned, passed by the House.
4	A JOINT RESOLUTION in relation to bounties in land to soldiers who have served ninety days in the Federal army.	January 12.	Gregg.	Passed January 19, and referred to the House.
5	A JOINT RESOLUTION instructing our Senators and requesting our Representatives to use all means in their power to procure an abolition of a per capita tax upon foreign emigrants to the United States.	January 19.	Martindale.	January 19, to committee on Federal relations; January 24, reported back and referred to committee on emigration.
6	A JOINT RESOLUTION for the adjustment and collection of claims in favor of the State of Indiana.	January 20.	Hughes.	Passed January 20, and referred to the House; February 7, returned from the House, passed.
7	A JOINT RESOLUTION concerning the so-called fifteenth amendment to the constitution, and its pretended ratification, and proposing a convention of the States to amend the constitution of the United States.	January 24.	Hughes.	
8	A JOINT RESOLUTION in relation to an appropriation by Congress for the completion of the harbor on Lake Michigan, at Michigan City.	January 31.	Bradley.	Passed January 31; February 1, referred to the House; February 7, returned from the House, passed.
9	A JOINT RESOLUTION directing the disposition to be made of certain Indiana five per cent. bonds or stocks now in the custody of the Secretary of the Treasury of the United States.	February 9.	Martindale.	Passed February 9, and referred to the House; February 10, returned from the House, passed.
10	A JOINT RESOLUTION in favor of the passage of an act by Congress to extend the jurisdiction of the light house board, so as to include the Mississippi, Missouri and Ohio rivers, and to arrange these rivers into one or more light house districts.	February 9.		
11	A JOINT RESOLUTION proposing an amendment to the constitution by adding to the second article a section conferring on women of the age of twenty-one years and upwards the right to vote.	February 14.	Committee on women's rights.	Passed February 9; referred to the House February 10.

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS RECEIVED IN THE SENATE.

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No.	TITLE.	WILEN RECEIVED.	AUTHOR OF BILL.	PROCEEDINGS THEREON.
2	A BILL to amend sections four and six of an act entitled "An act prescribing the powers and duties of coroners," approved May 27, 1852, and providing for an emergency.	January 17.	Zenor.	Passed February 7.
3	A BILL to fix the time of holding the Circuit Court in the several counties of the Third Judicial Circuit, and repealing all laws in conflict therewith, and declaring an emergency.	January 20.	Cauthorn.	February 1, ordered to lie on the table on third reading.
4	A BILL in relation to voluntary assignments in trust for the benefit of creditors, and defining the power of Courts of Common Pleas in relation thereto in certain cases.	February 8.	Tebbs.	February 9, read first time.
6	A BILL to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owned in banks and banking associations doing business in the State.	February 10.	Miles.	February 22, to committee on judiciary; on third reading.
10	A BILL to amend section one of an act entitled "An act to amend section forty-three of an act entitled 'An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement,' approved July 17, 1852," approved February 19, 1869.	January 19.	St. John.	February 7, passed.
11	A BILL fixing the beginning of the terms of the Court of Common Pleas of Dearborn County, in the Fifth Judicial District.	January 19.	Tebbs.	Passed February 7.
19	A BILL authorizing the Council of Jeffersonville to elect pilots, etc.	January 17.	Barnaby.	January 24, to select committee; February 15, reported back and ordered to lie on the table; February 20, ordered to be taken from the table and placed upon the files; on second reading.
22	A BILL to amend an act entitled "An act to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others, and prescribing the powers and duties of county boards and county auditors in the premises, and repealing all laws inconsistent therewith," approved March 11, 1867," by amending the title and by amending sections one (1,) three (3,) four (4,) six (6,) nine (9,) eleven (11,) and twelve (12); that the title of said act be and the same is hereby amended to read as follows, to wit: An act to enable and encourage the owners of wet lands and marshes to drain or reclaim them when the work necessary thereto will affect the lands of others, and prescribing the powers and duties of county commissioners, county auditors and recorders in the premises, and repealing all laws inconsistent therewith.	February 16.		

23	A BILL to repeal an act entitled "An act to authorize and encourage the construction of levees, dikes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which took effect May 22, 1863.	February 1.	Wood.	February 8, to committee on corporations; Feb. 17, reported back and ordered to be indefinitely postponed; on third reading.
32	A BILL appropriating one hundred thousand dollars to defray the expenses of the Forty-Seventh Session of the General Assembly of the State of Indiana.	January 10.	Williams.	Passed January 13.
38	A BILL to legalize the official acts of the board of trustees of the town of Gosport, Owen county, Indiana.	January 12.	Guthrie.	Passed February 1.
40	A BILL to amend section seven of chapter 170 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved March 5, 1861.	February 14.	Stone.	
42	A BILL to amend section eleven of "An act to allow county commissioners to organize turnpike companies where three-fifths of the persons representing the real estate within prescribed limits petition for the same, and to levy a tax for its construction, and to provide for the same to be free," approved March 6, 1865.	February 9.		
43	A BILL to provide for the holding of Roman Catholic churches, cemeteries, colleges and other property.	February 14.	Gordon.	
55	A BILL authorizing turnpike companies organized under the act approved March 6, 1865, to adopt the acts of May 12, 1852, in reference to turnpike companies and all amendments thereto, and amending section eighteen of an act entitled "An act to allow county commissioners to organize turnpike companies when three-fifths of the persons representing the real estate within prescribed limits petition for the same, and to levy a tax for its construction, and to provide for the same to be free," approved March 6, 1865.	February 10.	Stone.	
58	A BILL to establish Superior Courts, defining their jurisdiction, and providing for the election and compensation of the judges thereof.	January 20.	Wilson.	Passed February 10.
63	A BILL to amend sections sixty-two, sixty-three, sixty-five and sixty-six of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.	February 10.	Taylor.	
67	A BILL to amend section fifth of an act entitled "An act concerning mortgages," approved May 4, 1862.	January 31.	Cunningham.	February 9, read first time.
69	A BILL making specific appropriations for benevolent institutions.	February 2.	Minick.	February 3, passed.
72	A BILL to amend the sixteenth section of chapter 6 of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to convey property or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11, 1861, with an emergency clause.	January 30.	Stone.	February 22, read a third time, and ordered to lie on the table.

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	WHEN RECEIVED.	AUTHOR OF BILL.	PROCEEDINGS THEREON.
74	A BILL to legalize certain bonds issued by the city of Columbus, for the construction of water works.	January 17.	Abbott.	January 24, to committee on judiciary; February 15, reported back and ordered to lie on the table.
75	A BILL making illegal and void all contracts for the payment of attorney's fees by the promisor in such contracts.	February 7.	Ballenger.	February 9, read a first time.
79	A BILL to extend the time for the completion of certain railroads, and to legalize the acts of their boards of directors.	January 31.	Hines.	Passed February 13.
84	A BILL to prevent prize fighting, and prescribing the punishment therefor.	January 20.	Myers.	January 27, to committee on rights and privileges; on second reading.
88	A BILL authorizing coroners in certain cases to appoint special constables, and defining his duties, and requiring coroners and justices to file papers of inquest in the clerk's office of said county.	January 31.	Zenor.	February 9, read a first time.
96	A BILL to amend section 45 of an act entitled "An act to provide for the opening, vacating, and change of highways," approved June 17, 1852.	February 9.	Cogswell.	
101	A BILL to amend section 9 of "An act to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys, and adopt plats when the same have been lost or destroyed, and prescribing the duties of the board of trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency," approved April 27, 1867.	February 9.	Haynes.	
105	A BILL entitled an act allowing persons to make certain improvements on the public highways, and providing the manner of payment therefor, and declaring an emergency.	February 8.	Stone.	February 9, read a first time.
106	A BILL to prevent electors from voting for persons for the office of road supervisors in other districts than that in which the elector resides, and declaring the penalties therefor.	February 10.	Holland.	
122	A BILL to appropriate one hundred and fifty dollars for the distribution of the report of the Superintendent of Public Instruction.	February 9.		Passed February 22.
129	A BILL to amend an act to amend sections one and three of an act entitled "An act to provide for the re-location of county seats, and for the erection of public buildings in counties in case of re-location," approved March 2, 1855, and amend section one of an act amendatory of said act, approved December 18, 1845, and to provide for the appointment of commissioners, approved February 24, 1849.	February 10.	Britton.	
132	A BILL to repeal the proviso in section 2 of an act entitled an act to amend section 2 of an act entitled "An act making the register of sales of Michigan Road lands, and certified copies of entries therein,	February 14.	St. John.	

137	evidence, and declaring the effect thereof, and making the records and patents, and certificates of purchase, and other evidence in writing, of the sale of real estate, and certified copies of such records, evidence, and declaring the effect thereof," approved March 9, 1859.	February 13.	Wood.	Passed February 22.
138	A BILL to fix the time of holding the Court of Common Pleas in the Sixteenth Judicial District of this State, and repealing all other laws on the same subject, and providing when this act shall take effect.	February 14.	King.	
142	A BILL to amend sections two and three of an act entitled "An act to incorporate the Indianapolis Gas Light and Coke Company," approved February 12, 1851.	February 14.	Copner.	
144	A BILL to amend section 5 of an act entitled "An act regulating the apportionment of estates," approved May 14, 1852, and adding a supplemental section thereto, approved March 4, 1853.	February 10.	Calkins.	
151	A BILL to provide for the time of holding Circuit Courts in the Ninth Judicial Circuit, and to repeal all laws in conflict therewith.	February 8.	Rhodes.	February 9, read a first time.
152	A BILL to encourage the destruction of foxes.	February 9.	Ballenger.	
167	A BILL authorizing the issue of subpoena <i>duces tecum</i> , for certain offenses, and requiring them in certain cases to produce original records, bonds, and other instruments, in evidence.	February 10.	Tebbs.	February 20, read a first time.
170	A BILL to amend sections one and two of "An act creating the Twenty-Sixth Judicial Circuit, and fixing the times of holding Courts therein, and fixing the times of holding the Courts in the Fourth Judicial Circuit," approved April 22, 1859.	February 13.	Calkins.	
173	A BILL to amend section 18 of an act entitled "An act concerning the partition of land," approved May 2, 1852.	February 10.	St. John.	Passed February 14.
177	A BILL to fix the time of holding Circuit Courts, and length of terms thereof, in the counties composing the Seventh Judicial Circuit of Indiana.	February 1.	Biggs.	Passed February 14.
180	A BILL defining what counties shall constitute the Twenty-First Common Pleas District, and to fix the time of holding the courts therein, and repealing all laws inconsistent herewith.	February 9.	Sansberry.	Passed February 10.
185	A BILL in relation to the disability of circuit judges to hold and discharge the duties of their offices, and providing for the appointment of judges <i>pro tem</i> , during the disability of said judges.	February 14.	Cox.	Passed February 20.
188	A BILL for the relief of George L. Reiter and Maria B. Reiter.	February 14.	Calkins.	
191	A BILL to provide for appeals in certain cases from the action of county boards of equalization.	February 9.	Stone.	
202	A BILL supplementary to an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, approved May 6, 1852.	February 20.	McDowell.	
231	A BILL to amend the charter of the town of Bluffton.	February 15.	Cauthorn.	
234	A BILL authorizing the making and recording of city plats, and making the same and copies of the record competent evidence.	February 10.	Ruddell.	Passed February 22.
	A BILL providing for a general system of common schools in all cities of thirty thousand or more inhabitants, and for the election of a board of school commissioners for such cities, and defining			

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS.—Continued.

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No.	TITLE.	WHEN RECEIVED.	AUTHOR OF BILL.	PROCEEDINGS THEREON.
237	their duties and prescribing their powers, and providing for common school libraries within such cities. A BILL to provide the mode in which vacancies in the board of trustees of the University of the State of Indiana shall be filled, repealing all laws and parts of laws in conflict therewith, and declaring an emergency.	February 7.	Mitchell.	February 9, read first time.
265	A BILL to amend an act entitled "An act prescribing the duties of and fixing the compensation of State Agent," approved June 17, 1852.	February 7.	McDonald.	Passed February 20.
266	A BILL to amend the 6th section of an act to provide for the management and custody of the notes, bonds and mortgages arising directly out of loans heretofore made by the board of sinking fund commissioners, to continue in force all laws or parts of laws in force on the 20th day of January, 1867, which are applicable to said loans and the securities therefor, to clothe the Auditor of State with powers, and subject him to the duties in relation to said loans and securities therefor, which by said laws are vested in or imposed upon said board of sinking fund commissioners, to provide for the incidental expenses of the management of said loans and securities, including clerk hire, and for the mode and payment of such allowance, etc.	February 15.	Neff.	Passed February 22.
268	A BILL to provide for changes of venue from criminal courts, and legalizing changes of venue heretofore made.	February 7.	Donham.	Passed February 7.
271	A BILL providing for the protection of fish, and repealing all laws in conflict with the same.	February 10.		Passed February 22.
307	A BILL to amend section 2 of an act entitled "An act creating the Twenty-Third Common Pleas District, and making provision therefor, and repealing all conflicting laws," approved March 11, 1867, providing for the return of process, and repealing all laws in conflict with this act.	February 15.	Rhodes.	
327	A BILL limiting the jurisdiction of the Court of Common Pleas in counties where a Superior Court is organized, and in reference to the selection of a petit jury therein.	February 22.		
339	A BILL to amend section 22 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852, and for legalizing the acts of certain persons and officers therein named.	February 16.	Cauthorn.	
342	A BILL to repeal all laws now in force authorizing the levy and collection of any tax for State debt sinking fund purposes,	February 20.	Neff.	Passed February 22.

343	A BILL to raise revenue for State purposes for the years 1871 and 1872, and subsequent years.	February 20.	Neff.	Passed February 22.
345	A BILL fixing the times of holding courts in the several counties comprising the First Judicial Circuit of this State, repealing all laws conflicting therewith, and declaring an emergency.	February 20.	Deputy.	Passed February 20.
359	A BILL to amend the 2d section of an act entitled "An act creating the Twenty-Fourth Common Pleas District, and making provision therefor, and repealing all conflicting laws," approved March 11, 1867.	February 22.	Caldwell.	

HOUSE JOINT RESOLUTIONS IN SENATE.

No.	TITLE.	WHEN RECEIVED.	AUTHOR.	PROCEEDINGS THEREON.
2	<p>A JOINT RESOLUTION in relation to the improvement of the Wabash river.</p> <p>A JOINT RESOLUTION in relation to the granting of pensions to the surviving soldiers of the war of 1812.</p> <p>A JOINT RESOLUTION of instruction to Indiana members in Congress, in relation to donations by Congress of public lands to railroad and other private corporations.</p> <p>A JOINT RESOLUTION of instruction to our Senators and Representatives in Congress in regard to the abolition of the franking privilege.</p>	<p>January 11.</p> <p>January 12.</p> <p>January 12.</p> <p>January 19.</p> <p>January 18.</p>	<p>Cauthorn.</p>	<p>Passed January 12.</p> <p>Passed January 12.</p> <p>Passed January 25.</p>
7	<p>A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to secure the passage of a law to equalize the bounties of the soldiers and seamen of the United States in the war of the rebellion.</p>	<p>January 16.</p> <p>February 21.</p>	<p>Mack.</p>	<p>January 25, to committee on federal relations; February 1, reported back recommending its passage.</p> <p>Passed January 25.</p>
14	<p>A JOINT RESOLUTION on the subject of President of the United States and presidential candidates receiving gifts.</p>			
17	<p>A JOINT RESOLUTION in relation to the transfer of the soldiers' national cemetery at Gettysburg to the general government.</p>			

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SPARKS, LEVI—

Nominated for Prison Director, South.....	108
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SCOTT, HARVEY D.—

Appeared and took his seat.....	4
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Nominated as Agent of State.....	523
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STRAUD, JOHN—

Appeared and was sworn in.....	4
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Appeared and was sworn in	4
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Committees appointed on, standing	81, 82
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Motions by	187, 312, 521, 720
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WILLIAMS, JAMES D.—

Appeared and was sworn in	4
Bills introduced by	76, 130, 258, 386, 478, 520, 612
Committees appointed on, standing	80, 81, 82
Committees appointed on, special	23, 70, 125
Motions made by	16, 70, 136, 157, 258, 349, 352, 383, 388, 413, 433, 459 493, 505, 532, 572, 573, 608, 669, 688, 689 705, 709, 721, 723
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Nominated for Trustee of Soldiers' Home	117
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Appeared and took his seat	4
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Committees appointed on, standing	80, 82
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